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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)
केंद्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

**Statutory orders and notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)**

ELECTION COMMISSION OF INDIA

New Delhi, the 17th November, 1975

S.O. 403.—In pursuance of Clause (b) of sub-section (2) of section 116C of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the orders of the Supreme Court of India dated 7 November, 1975, in Civil Appeals No. 887 of 1975 and 909 of 1975 from the judgment and order dated 12 June, 1975 of the High Court of Judicature at Allahabad in Election Petition No. 5 of 1971.

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 887 OF 1975**

Indira Nehru Gandhi ... Appellant
VERSUS

Raj Narain & Anr. ... Respondents

AND

CIVIL APPEAL NO. 909 OF 1975

Raj Narain ... Appellant
VERSUS

Indira Nehru Gandhi & Anr. ... Respondents

JUDGMENT

RAY, C. J.—In Civil Appeal No. 887 of 1975 the appellant is Indira Nehru Gandhi and the respondent is Raj Narain.

Civil Appeal No. 909 of 1975 is the cross objection of the respondent. On 14 July, 1975 it was directed that both the appeals would be heard together. The appeals arise out of the judgment of the High Court of Allahabad dated 12 June, 1975. The High Court held that the appellant held herself out as a candidate from 29 December, 1970 and was guilty of having committed corrupt practice by having obtained the assistance of Gazetted Officers in furtherance of her election prospects. The High Court further found the appellant guilty of corrupt practice committed under section 123(7) of the Representation of the People Act, 1951 hereinafter referred to as the 1951 Act by having obtained the assistance of Yashpal Kapur a Gazetted Officer for the furtherance of her election prospects. The High Court held the appellant to be disqualified for a period of six years from the date of the order as provided in section 8 (a) of the 1951 Act. The High Court awarded costs of the election petition to the respondent.

It should be stated here that this judgment disposes of both the appeals. Under directions of this Court the original record of the High Court was called for. The appeal filed by the respondent with regard to Issues Nos. 2, 4, 6, 7, and 9 formed the subject matter of cross objections in Civil Appeal No. 909 of 1975. The cross objections are the same which form grounds of appeal filed by the respondent in the High Court at Allahabad, against an order of dismissal of Civil Misc. Writ No. 3761 of 1975 filed in the High Court at Allahabad.

The Constitution (Thirty-ninth Amendment) Act, 1975 contains three principal features. First, Article 71 has been substituted by a new Article 71. The new Article 71 states that

subject to the provisions of the Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President including the grounds on which such election may be questioned.

The second feature is insertion of Article 329A in the Constitution. Clause 4 of Article 329A is challenged in the present appeals. There are six clauses in Article 329A.

The first clause states that subject to the provisions of Chapter II of Part V [except sub-clause (c) of clause (1) of Article 102] no election to either House of Parliament of a person who holds the office of Prime Minister at the time of such election or is appointed as Prime Minister after such election; and to the House of the People of a person who holds the office of Speaker of that House at the time of such election or who is chosen as the Speaker for that House after such election; shall be called in question, except before such authority [not being any such authority as is referred to in clause (b) of Article 329] or body and in such manner as may be provided for by or under any law made by Parliament and any such law may provide for all other matters relating to doubts and disputes in relation to such election including the grounds on which such election may be questioned.

Under the second clause the validity of any such law as is referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court.

The third clause states that where any person is appointed as Prime Minister or, as the case may be, chosen to the office of the Speaker of the House of the People, while an election petition referred to in Article 329 (b) in respect of his election to either House of Parliament or, as the case may be, to the House of the People is pending, such election petition shall abate upon such person being appointed as Prime Minister or, as the case may be, being chosen to the office of the Speaker of the House of the People, but such election may be called in question under any such law as is referred to in clause (1).

The fourth clause which directly concerns the present appeals states that no law made by Parliament before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, in so far as it relates to election petitions and matters connected therewith, shall apply or shall be deemed ever to have applied to or in relation to the election of any such person as is referred to in clause (1) to either House of Parliament and such election shall not be deemed ever to be void or ever to have become void on any ground on which such election could be declared to be void under any such law and notwithstanding any order made by any court, before such commencement, declaring such election to be void, such election shall continue to be valid in all respects and any such order and any finding on which such order is based shall be and shall be deemed always to have been void and of no effect.

The fifth clause states that any appeal or cross appeal against any such order of any court as is referred to in clause (4) pending immediately before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, before the Supreme Court shall be disposed of in conformity with the provisions of clause (4).

The sixth clause states that the provisions of this Article shall have effect notwithstanding anything contained in the Constitution.

The third feature in the Constitution (Thirty-ninth Amendment) Act is that in the Ninth Schedule to the Constitution after Entry 86 and before the Explanation several Entries No. 87 to 124 inclusive are inserted. The Representation of the People Act, 1951, the Representation of the People (Amendment) Act, 1974 and the Election Laws (Amendment) Act, 1975 are mentioned in Entry 87.

The respondent contends that the Representation of the People (Amendment) Act, 1974 and the Election Laws (Amendment) Act, 1975 referred to as the Amendment Acts, 1974 and 1975 do not enjoy constitutional immunity because these Acts destroy or damage basic structure or basic features.

In view of the challenge by the respondent to the constitutional validity of the Amendment Acts, 1974 and 1975 notice was given to the Attorney General.

The appeals were to be heard on 11 August, 1975. In view of the Constitution (Thirty-ninth Amendment) Act, 1975 which came into existence on 10 August, 1975 the hearing was adjourned till 25 August, 1975.

The constitutional validity of clause (4) of Article 329A falls for consideration. Clause (4) of Article 329A is challenged on two grounds. First, it destroys or damages the basic features or basic structure of the Constitution. Reliance is placed in support of the contention on the majority view of 7 learned Judges in *Hls Holiness Kesavananda Bharati Sripad nagalavaru v. State of Kerala and Another* (1) 1973 Supp. S.C.R. 1.

It should be stated here that the hearing has proceeded on the assumption that it is not necessary to challenge the majority view in *Kesavananda Bharati's* (1) case. The contentions of the respondent are these: First, under Article 368 only general principles governing the organs of the State and the basic principles can be laid down. An amendment of the Constitution does not contemplate any decision in respect of individual cases. Clause (4) of Article 329A is said to be exercise of a purely judicial power which is not included in the constituent power conferred by Article 368.

Second, the control over the result of the elections and on the question whether the election of any person is valid or invalid is vested in the judiciary under the provisions of Article 329 and Article 136. The jurisdiction of judicial determination is taken away, and, therefore, the democratic character of the Constitution is destroyed.

Third, the Amendment destroys and abrogates the principle of equality. It is said that there is no rational basis for differentiation between persons holding high offices and other persons elected to Parliament.

Fourth, the rule of law is the basis for democracy and judicial review. The fourth clause makes the provisions of Part VI of the Representation of the People Act inapplicable to the election of the Prime Minister and the Speaker.

Fifth, clause (4) destroys not only judicial review but also separation of power. The order of the High Court declaring the election to be void is declared valid. The cancellation of the judgment is denial of political justice which is the basic structure of the Constitution.

The second ground is that the constitution of the House which passed the Constitution (Thirty-ninth Amendment) Act is illegal. It is said that a number of members of Parliament of the two Houses were detained by executive order after 26 June, 1975. These persons were not supplied any grounds of detention or given any opportunity of making a representation against their detention. Unless the President convenes a session of the full Parliament by giving to all members thereof an opportunity to attend the session and exercise their right of speech and vote, the convening of the session will suffer from illegality and unconstitutionality and cannot be regarded as a session of the two Houses of Parliament. The mere fact that a person may be deprived of his right to move any court to secure his release from such illegal detention by means of a presidential order under Article 359 does not render the detention itself either legal or constitutional. The important leaders of the House have been prevented from participation. Holding of the session and transacting business are unconstitutional.

Under the first ground these are the contentions. The Constitution Amendment affects the basic structure of institutional pattern adopted by the Constitution. The basic feature of separation of powers with the role of independence of judiciary is changed by denying jurisdiction of this Court to test the validity of the election. The essential feature of democracy will be destroyed if power is conceded to Parliament to declare the elections void according to law under which it has been held to be valid. This is illustrated by saying that Parliament can by law declare the election of persons against the predominant ruling party to be void. If the majority party controls the legislature and the executive, the legislature could not have any say as to whether the executive was properly elected. Free and fair elections are part of democratic structure and an election which has been held to be invalid for violation of the principles of free and fair

elections and by commission of corrupt practices is validated. The basic structure of equality is violated by providing that those who hold office of Prime Minister and Speaker are above law although election laws were there. The persons who will hold the office of Prime Minister and Speaker have been free from those laws and they are not under rule of law and there is no judicial review with regard to their elections.

The nature of the constituent power is legislative. The constituent power cannot exercise judicial power. Exercise of judicial power or of a purely executive power is not power of amendment of the Constitution. The Constitution may be amended to change constitutional provisions but the constituent power cannot enact that a person is declared to be elected. The consequence of change of law may be that the decision given by a court under the law as it stood will not stand.

The respondent contends that judicial review is an essential feature of basic structure because of the doctrine of separation of powers for these reasons : Judicial review is basic structure in the matter of election to ensure free, fair and pure election. In the American and the Australian Constitutions the judicial power of the State is located in the judiciary. There is no such provision in our Constitution. The Executive, the Legislature and the Judiciary are all treated under our Constitution with respective spheres. The jurisdiction of this Court and of High Courts under our Constitution is dealt with by Articles under the Heads of the Union Judiciary and the State Judiciary. Under Article 136 any Tribunal or Court is amenable to the jurisdiction of this Court. The corollary drawn from this is that if under clause (4) of Art. 329(A) of the Thirty-ninth Amendment the power of judicial review is taken away it amounts to destruction of basic structure.

In England formerly Parliament used to hear election disputes. In 1870 Parliament found that because of political factions it would be better to leave the task of deciding controverted elections to Judges. Parliament delegated its power of deciding controverted elections to Courts. Under the English Law the Courts hear and make a report to Parliament. In America each House shall be the judge of the elections, returns and qualifications of its own Members. That is Article I Section 5 of the American Constitution. In Australia any question of a disputed election to either House, shall be determined by the House in which the question arises. Under the German Federal Republic Constitution the legislature decides whether a person has lost his seat. Against the decision of the Bundestag an appeal shall lie to the Federal Constitutional Court.

The view of Story on the American Constitution is that the power to judge elections, returns and qualifications of the members of each House composing the legislature is to be lodged in the legislature. Story says that no other body can be so perpetually watchful to guard its own rights and privileges from infringement (See Story page 585).

In Corpus Juris Vol. 16 (1956) it is said that the judiciary cannot exercise powers which are to be found in the other two departments of Government which are normally legislative or powers which are generally executive in their nature. All matters relating to or affecting elections are, in questions and, as such, are not questions for the judiciary. All matters relating to or affecting elections are, in the absence of controlling constitutional or statutory provisions to the contrary, political questions and, as such, are not questions for the judiciary. So, subject to express constitutional restrictions, all matters relating to the holding of elections and determining their results, including contests are political questions (pp. 691, 692, 710).

In Corpus Juris Vol. 29 (1965) it is stated that under constitutional provision conferring on the legislature the power to determine by law, before what authority, and in what manner the trial of contested elections shall be conducted, the legislature is given broad power. A constitutional provision authorising the legislature to provide for the mode of contesting elections in all cases not otherwise specifically provided for in the Constitution itself confers on the legislature adequate authority to provide for all election contests and to determine where and by what means election contests

shall be conducted. The right to contest an election is not a common law right. Elections belong to the political branch of the Government, and in the absence of the special constitutional or statutory provisions, are beyond the control of the judicial power. (Sections 245, 246). A contested election case is a proceeding in which the public is interested, since it is for the public good. An election contest is not merely a proceeding for the adjudication and settlement of the private rights of rival claimants to an office. It is the public interest not the parties' claims, which is the paramount legislative concern (Section 247).

In America disputed elections are decided by the Legislature. In *Taylor v. Beckham* (2) 44 L. Ed. 547 the American Supreme Court held that a determination of an election contest for the office of the Governor is a political question and is not justiciable. In *Truman H. Newberry v. United States of America* (3) 65 L. Ed. 913 the American Supreme Court held that the manner of elections can be controlled. In *David S. Barry v. United States of America Ex. Rel. Thomas W. Cunningham* (4) 73 L. Ed. 867 the decision of the American Supreme Court in *Charles W. Baker v. Joe C. Carr* (5) 7 L. Ed. 2d 663 was referred to in order to find out as to what aspects of elections would be justiciable and not a political question. In *Baker v. Carr* (6) (Supra) the delimitation of constituencies was held to be a justiciable issue. In *Julian Bond v. James 'Sloppy' Floyd* (7) 17 L. Ed. 2d 235 the exclusion of an elected representative because of his statement attacking the Vietnam policy was held to be justiciable on the ground that it was not within the jurisdiction of the Legislature to find out whether member was sincere in regard to his oath of the legislature. In *Adam Clayton Powell v. John W. McCormack* (7) 23 L. Ed. 2d 491 the disqualification by the House of a Congressman on the basis of qualification on the ground which was not in the Constitution was held to be justiciable. The Federal District Court has jurisdiction over the subject matter of controversies arising under constitution. The conferment of power on each House in America to be a judge of elections is an exclusive ground of power and constitutes the House to be the sole and ultimate Tribunal.

The American decisions show that if the House claims additional power to disqualify a member on the ground other than those stated in the Constitution judicial review against disqualification would be available. In *Bond's* (9) case (supra) disqualification was on an unconstitutional ground that his statement on Vietnam Policy was a matter of free speech and expression. The court did not decide an election dispute but as a custodian of Judicial power judged whether the House was acting within its power.

Parliament itself can also hear election disputes. That was the English practice until the Grenville Act, 1868 when Parliament conferred power on courts. Before 1770, controverted election were tried by the whole House of Commons as party questions. The House found that the exercise of its privilege could be submitted to a Tribunal constituted by law to secure impartiality in the administration of justice according to the laws of the land. In 1868 the jurisdiction of the House in the trial of controverted elections was transferred by statute to the courts of law. The present procedure is contained in the English Representation of the People Act, 1949. The trial is confided to judges selected from the judiciary. Provision is made in each case for constituting a rota from whom these judges are selected. The House has no cognizance of these proceedings until their determination when the judges certify their determination, in writing, to the Speaker, which is final to all intents and purposes. Trial is not a proceeding of the House. The judges are to make a report in any case where charge has been made in the petition of corrupt and illegal practice. Provision is also made for the trial of a special case. All certificates and reports of the election court are entered in the Journals of the House. Under section 124(5) of the English Representation of the People Act, 1949, it is, the duty of the House to make orders for carrying the determination of the judges into execution.

Judicial review in many matters under statute may be excluded. In many cases special jurisdiction is created to deal with matters assigned to such authorities. A special forum is even created to hear election disputes. A right of appeal may be conferred against such decision. If Parliament acts as the forum for determination of election disputes it may be a question of parliamentary privilege and the courts may not entertain any review from such decisions. That is because the exercise of power by the Legislature in determining disputed elections may be called legislative power. A disli-

action arises between what can be called the traditional judicial determination by courts and tribunals on the one hand and the peculiar jurisdiction by the legislature in determining controverted elections on the other.

The legal order is a system of general and individual norms connected with each other according to the principle that law regulates its own creation. Each norm of this order is created according to the provisions of another norm and ultimately according to the provisions of the basic norm constituting the unity of this system, the legal order. A norm belongs to a certain legal order, because it is created by an organ of the legal community constituted by this order. Creation of law is application of law. The creation of a legal norm is normally an application of the higher norm regulating its creation. The application of higher norm is the creation of a lower norm determined by the higher norm. A judicial decision is an act by which a general norm, a statute is applied but at the same time an individual norm is created binding one or both parties to the conflict. Legislation is creation of law. Taking it into account is application of law. The higher norm may determine the organ and the procedure by which a lower norm and the content of the lower norm are created. For a norm the creation of which is not determined at all by another norm cannot belong to another legal order. The individual creating a norm cannot be considered the organ of the legal community, his norm-creating function cannot be imputed to the community, unless in performing the function he applies a norm of the legal order constituting the community. Every law-creating act must be a law applying act. It must apply a norm preceding the act in order to be an act of the legal order or the community constituted by it. When settling a dispute between two parties a court applies a general norms or statutory or customary law. Simultaneously, the court creates an individual norm providing that a definite sanction shall be executed against a definite individual. The individual norm is related to the general norm as the statute is related to the constitution. The judicial function is thus like legislation, both creation and application of law. The judicial function is ordinarily determined by the general norms both as to procedure and as to the contents of the norm to be created, whereas legislation is usually determined by the constitution only in the former respect.

The general norm which attaches abstractly determined consequences, has to be applied to concrete cases in order that the sanction determined in abstract may be ordered and executed in concrete. The two essential elements of judicial functions are to apply a pre-existing general norm in which a certain consequence is attached to certain conditions. The existence of the concrete conditions in connection with the concrete consequence are what may be called individualization of the general and abstract norm to the individual norm of the judicial decision.

The contention is that the constituent power is an exercise in legislative process. The constituent power, it is said, can exercise legislative as well as judicial and executive powers. It is said that if a legislation can validate a matter declared invalid by a judgment the constituent power may equally do so. Special emphasis is laid on Article 102(1)(e) of the Constitution which is amended by the Constitution (Thirty-ninth Amendment) Act. Article 102(1)(e) speaks of disqualification by certain laws. The constitutional amendment seeks to amend Article 102 and remove the disqualification in the case of the Prime Minister and the Speaker. Reliance was placed on the decisions in *Abeyeskera v. Jayatilake* (8) 1932 A.C. 260 and *Piarc Dusadh & Ors. v. The King Emperor* (9) 1944 F.C.R. 61 that an amendment is supportable to invalidate a judgment.

Abeyeskera's (8) case (supra) is an authority for the proposition that the legal infirmity can be removed and active indemnity can be passed to relieve from penalties incurred.

In *Piarc Dusadh's* (9) case (supra) the Special Criminal Courts (Repeal) Ordinance, 1943 which conferred validity and full effectiveness on sentences passed by special courts which functioned under the Special Criminal Courts Ordinance, 1942 was challenged. It was argued in *Piarc Dusadh's* (9) case (supra) that the 1943 Ordinance attempted to exercise judicial power. The Federal Court did not accept the contention on the ground that in India the legislature has enacted laws providing that suits which had been dismissed on a particular view of the law must be restored and retried. Our Federal

Court said that Parliament simply takes up certain determinations which exist in fact, though made without authority, and prescribes not that they shall be acts done by a Board of Review, but that they shall be treated as they would be treated if they were such acts. The sections do not constitute an exercise of the judicial power. The legislature had not attempted to decide the question of the guilt or innocence of any of the accused. That question had as a matter of fact been decided by tribunals which were directed to follow a certain judicial procedure. Our Federal Court held that once the decisions of the special courts were held void for want of jurisdiction the legislature created those special courts and authorised them to try cases and pass sentences. The legislature gave jurisdiction to the courts to pass the sentences. The Ordinance did not exercise any judicial power because the sentences in due course were subject to an appeal and review by the regular courts of the land.

The power of the legislature to validate matters which have been found by judgments or orders of competent courts and Tribunals to be invalid or illegal is a well-known pattern. The legislature validates acts and things done by which the basis of judgments or orders of competent courts and Tribunals is changed and the judgments and orders are made ineffective. All the Sales Tax Validation cases, the election validation cases are illustrations of that proposition. The present appeals are not of the type of providing indemnity against penalties or determining existing facts to be treated in accordance with change of law.

The effect of validation is to change the law so as to alter the basis of any judgment, which might have been given on the basis of old law and thus make the judgment ineffective. A formal declaration that the judgment rendered under the old Act is void, is not necessary. If the matter is pending in appeal, the appellate court has to give effect to the altered law and reverse the judgment. The rendering of a judgment ineffective by changing its basis by legislative enactment is not an encroachment on judicial power but a legislation within the competence of the legislature rendering the basis of the judgment nonest. If a competent court has found that a particular tax or levy has been imposed by a law, which is void because the legislature passing the law was not competent to pass the law, then the competent legislature has validated the tax or levy by a validation Act involving a re-enactment of the invalid law. Where the competent legislature has passed a law which is contrary to any of the Fundamental Rights in Part III of the Constitution and the law has been declared void by a competent court, the appropriate legislature has passed a retrospective law validating the actions taken under the old invalid law by curing the defects in the old law so as to make the new law consistent with Part III of the Constitution.

Where invalid elections declared by reason of corrupt practices, have been validated by changing the definition of corrupt practices in the Representation of the People Act, 1951 retrospectively the original judgment is rendered ineffective. (See *Kant Kathuria v. Manak Chand Surana* (10) (1970) 2 S.C.R. (830).

Our Federal Court in *Basanta Chandra Ghose v. The King Emperor* (11) 1944 F.C.R. 295 dealt with the validity and effect of Ordinance No. 3 of 1944. One of the objects of that Ordinance was to enact a presumption in the Ordinance itself in favour of detention orders to preclude their being questioned in court of law and to take away or limit the power of the High Court to make orders under section 491 of the Criminal Procedure Code. The third object of the Ordinance was challenged on the ground that section 10(2) of the Ordinance which provided that if at the commencement there is pending in any Court any proceeding by which the validity of an order having effect by virtue of section 6 as if it had been made under this Ordinance is called in question, that proceeding is hereby discharged. Section 10(2) of the Ordinance was challenged on the ground that this was in abrogation of judicial power by legislative authority. It was said that the legislative authority only passed the law and the disposal of the particular case could remain the function of the court. Section 10(2) of the Ordinance was said not to leave it to the court to apply the rule of law to the decision of cases but to discharge all pending proceedings. Our Federal Court noticed the distinction between a legislative act and the judicial act, and said "a direction such a proceeding is discharged is clearly a judicial act and not an enactment of law". In *Piarc Dusadh's* (9) case (supra) the latter

Ordinance provided that the decisions of the earlier Tribunals which were negated by a decision of the Federal Court should be treated as decisions of duly constituted Tribunals. That was held not to constitute a judicial power by the Ordinance making authority. In *Basanta Chandra Ghose's* (11) case (supra) the Federal Court held section 10(2) of the Ordinance to be a direct disposal of cases by the legislature itself. *Basanta Chandra Ghose's* (11) case (supra) was decided on the ground that the section in the Ordinance discharged the proceedings. There was nothing left to the Court.

Counsel on behalf of the respondent contended that the constituent power could deal with amendments of the Constitution, but could not exercise constituent power in relation to validating an election.

Judicial Review is one of the distinctive features of the American Constitutional Law. In America equal protection of the laws is based on the concept of due process of law. These features are not in our Constitution.

In *Bond's* (9) case (supra) the House claimed additional power to disqualify a member on grounds other than those stated in the Constitution. It was conceded there as it will appear at page 244 of the Report that judicial review against the disqualification decreed by the House would be available if a member was excluded on racial ground or other unconstitutional grounds. The House claimed that the ground on which Bond was disqualified was not an unconstitutional ground. The court held that there was no distinction between a disqualification decreed by the House on racial grounds and one alleged to violate the right of free speech. The court concluded that Bond was deprived of his constitutional rights guaranteed by the First Amendment by the disqualification decreed by the House. This was not a case of deciding an election dispute by the House and the Court sitting on appeal on the decision of the House. This is a case where a disqualification was imposed on unconstitutional grounds, thereby affecting the fundamental rights of Bond. This is not an authority for the proposition that the decision of the House on an election dispute would be open to judicial review.

The case of *Powell v. McCormack* (7) (supra) is also one of disqualification by the House of a Congressman on the basis of qualification which the House added to those specified in the Constitution. In other words, the House purported to unseat a member by disqualifying him on a ground not given in the Constitution. This was not a case of deciding an election dispute. Under the statute in question the Federal District Court had jurisdiction over all civil action were controversy arises under the Constitution. This was a case entertained on the ground that exclusion of a member of the House was unconstitutional. This case is an authority for the proposition that if a power is committed to a particular organ, the court cannot adjudicate upon it. Where a power is exercised by one organ, which is not committed to that particular organ of the State and such exercise of power is violative of a constitutional provision the matter becomes cognizable by courts. The Court held that a question of unconstitutional exclusion of a member is not barred from judicial review as a political question.

Judicial review is not to be founded on any Article similar to the American Constitution. In the Australian Constitution also the judicial power is located in the court. The doctrine of separation of powers is carried into effect in countries like America, Australia. In our Constitution there is separation of powers in a broad sense. But the larger question is whether there is any doctrine of separation of powers when it comes to exercise of constituent power. The doctrine of separation of powers as recognised in America is not applicable to our country. (See *Delhi Laws Act*, (12) 1951 S.C.R. 747 at 965-66; *Jayantilal Sodhan v. F. N. Rana* (13) (1964) 5 S.C.R. 294; *Chandra Mohan v. State of Uttar Pradesh & Ors.* (14) (1967) 1 S.C.R. 77 at 87 and *Udal Ram Sharma and Ors. etc. v. Union of India & Ors.* (15) (1968) 3 S.C.R. 41 at 67.

The rigid separation of powers as under the American Constitution or under the Australian Constitution does not apply to our country. Many powers which are strictly judicial have been excluded from the purview of the courts. The whole subject of election has been left to courts traditionally under the Common Law and election disputes and matters are governed by the Legislature. The question of the determination of election disputes has particularly been regarded as a special privilege of Parliament in England. It is a political

question in the United States. Under our Constitution Parliament has inherited all the privileges, powers and immunities of the British House of Commons. In the case of election disputes Parliament has defined the procedure by law. It can at any time change that procedure and take over itself the whole question. There is, therefore, no question of any separation of powers being involved in matters concerning elections and election petitions.

When the constituent power exercises powers the constituent power comprises legislative, executive and judicial powers. All powers flow from the constituent power through the Constitution to the various departments or heads. In the hands of the constituent authority there is no demarcation of powers. It is only when the constituent authority defines the authorities or demarcates the areas that separation of power is discussed. The constituent power is independent of the doctrine of separation of powers. The constituent power is sovereign. It is the power which creates the organs and distributes the powers.

The constituent power is *sui generis*. It is different from legislative power. The position of unlimited law making power is the criterion of legal sovereignty. The constituent power is sovereign because the Constitution flows from the constituent power.

In Article 329A an exercise of judicial power is the question for determination. In legislative processes there may be judicial process. If the legislature has to fix the amount or lay down the principle for fixation of amount the question will arise as to whether this is exercise of judicial power. The determination of the amount will involve judicial procedure. When the legislature determines the amount the fixation of amount is purely by legislative process. But in doing so the legislature takes into account factors relevant to individual properties.

Every organ of the State has to ascertain facts which make the foundation of its own decision. The executive usually collects its materials through its departments. The judiciary acts in a field where there are two or more parties before it and upon evidence placed before it pronounces its verdicts according to principles of natural justice. The legislature is entitled to obtain information from any source. The legislature may call witnesses. The rule of *Audi Altorem Partem* is not applicable in a legislative process. Legislation is usually general. It may sometimes be for special reasons an individual case. There is no doubt that the constituent power is not the same as legislative power. The distinction between constituent power and legislative power is always to be borne in mind because the constituent power is higher in norm.

Judicial review in election disputes is not a compulsion. Judicial review of decisions in election disputes may be entrusted by law to a Judicial Tribunal. If it is to a Tribunal or to the High Court the judicial review will be attracted either under the relevant law providing for appeal to this Court or Article 136 may be attracted. Under Article 329(b) the contemplated law may vest the power to entertain election petitions in the House itself which may determine the dispute by a resolution after receiving a report from a special Committee. In such cases judicial review may be eliminated without involving amendment of the Constitution. The Constitution permits by amendment exclusion of judicial review of a matter if it is necessary to give effect to the Directive Principles of State Policy. A similar power may be available when such exclusion is needed in the larger interest of the security of the State. In either case the exclusion of judicial review does not mean that principles of equality are violated. It only means that the appropriate body making the law satisfied itself and determines conclusively that principles of equality have not been violated. That body conclusively makes classification for the purpose of applying the principles of equality. It is said that in this class of cases the answer to the question of the validity of the classification rests on factors to which the court has no access and the materials may be of highly confidential nature and the decision has to be on a matter of political necessity. If judicial review is excluded the court is not in a position to conclude that principles of equality have been violated.

Equality of status as well as equality of opportunity is a fundamental right in Articles 14 and 16 of the Constitution. It also means equality before law and equal protection of the laws. Equality is spoken in the Preamble. There is liberty to legislature to classify to establish equality. When Articles 31A

and 31B eliminated judicial review the meaning was not that the legislature would go on discriminating. The task of classification can be left to the legislature. It is the very nature of legislation that classification must be in public interest. The amending body has excluded judicial review in Articles 31A, 31B and 31C.

Exclusion of the operation of the equality principle from some fields is constitutionally possible. Article 33 excludes judicial review in matters relating to the Armed Forces. Article 262(2) excludes jurisdiction of courts in water disputes.

Decisions in election disputes may be made by the legislature itself or may be made by courts or tribunals on behalf of the legislature or may be made by courts and tribunals on their own exercising judicial functions. The concept of free and fair election is worked out by the Representation of the People Act. The Act provides a definition of "corrupt practice" for the guidance of the court. In making the law the legislature acts on the concept of free and fair election. In any legislation relating to the validity of elections the concept of free and fair elections is an important consideration. In the process of election the concept of free and fair election is worked out by formulating the principles of franchise, and the free exercise of franchise. In cases of disputes as to election, the concept of free and fair election means that disputes are fairly and justly decided. Electoral offences are statutory ones. It is not possible to hold that the concept of free and fair election is a basic structure, as contended for by the respondent. Some people may advocate universal franchise. Some people may advocate proportional representation. Some people may advocate educational qualifications for voters. Some people may advocate property qualifications for voters. Instances can be multiplied on divergence of views in regard to qualifications for voters, qualifications of members, forms of corrupt practices. That is why there is law relating to and regulating elections.

Clause (4) in Article 329A has done four things. First, it has wiped out not merely the judgment but also the election petition and the law relating thereto. Secondly, it has deprived the right to raise a dispute about the validity of the election by not having provided another forum. Third, there is no judgment to deal with and no right or dispute to adjudicate upon. Fourth, the constituent power of its own legislative judgment has validated the election.

At the outset it has to be noticed that constituent power is not the same as ordinary law making power. On behalf of the appellant it was rightly contended that if any amendment of Article 102(1)(c) of the Constitution had to be made, it had to be made by amendment of the Constitution. The matter does not rest there.

If no law prior to the Constitution (Thirty-ninth Amendment) Act will apply to election petitions or matters connected therewith the result is that there is not only no forum for adjudication of election disputes but that there is also no election petition in the eye of law. The insurmountable difficulty is in regard to the process and result of validating the election by clause (4). Two answers were given on behalf of the appellant. One was that the validation of the election is itself the law. The other was that the constituent power applied its own norms to the election petition. Both the answers are unacceptable. If the election petition itself did not have any existence in law there was no petition which could be looked into by the constituent power. If there was no petition to look into it is difficult to comprehend as to what norms were applied to the election dispute. The dispute has to be seen. The dispute has to be adjudicated upon.

Clause (4) suffers from these infirmities. First, the forum might be changed but another forum has to be created. If the constituent power became itself the forum to decide the disputes the constituent power by repealing the law in relation to election petitions and matters connected therewith did not have any petition to seize upon to deal with same. Secondly, any decision is to be made in accordance with law. Parliament has power to create law and apply the same. In the present case, the constituent power did not have any law to apply to the case, because the previous law did not apply and no other law was applied by clause (4). The validation of the election in the present case is, therefore, not by applying any law and it, therefore, offends Rule of Law.

It is true that no express mention is made in our Constitution of vesting the judiciary the Judicial power as is to

be found in the American Constitution. But a division of the three main functions of Government is recognised in our Constitution. Judicial power in the sense of the judicial power of the State is vested in the Judiciary. Similarly, the Executive and the Legislature are vested with powers in their spheres. Judicial power has lain in the hands of the Judiciary prior to the Constitution and also since the Constitution. It is not the intention that the powers of the Judiciary should be passed to or be shared by the Executive or the Legislature or that the powers of the Legislature or the Executive should pass to or be shared by the Judiciary.

The constituent power is sovereign. Law making power is subject to the Constitution. Parliament may create forum to hear election disputes. Parliament may itself hear election disputes. Whichever body will hear election disputes will have to apply norms. Norms are legal standards. There is no discrimination if classification on rational basis is made for determination of disputes relating to persons holding the office of Prime Minister or the Speaker. The changes effected by the Amendment Acts, 1974 and 1975 apply to all and there is no discrimination. Retrospective legislation is not by itself discrimination. The changes introduced to the 1951 Act apply to all.

Clause 4 of Article 329A in the present case in validating the election has passed a declaratory judgment and not a law. The legislative judgment in clause 4 is an exercise of judicial power. The constituent power can exercise judicial power but it has to apply law.

The validation of the election is not by applying legal norms. Nor can it be said that the validation of election in clause 4 is by norms set up by constituent power.

Clause 5 in Article 329A states that an appeal against any order of any court referred to in clause 4 pending, before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, before the Supreme Court, shall be disposed of in conformity with the provisions of clause 4. The appeal cannot be disposed of in conformity with the provisions of clause 4 inasmuch as the validation of the election cannot rest on clause 4.

In view of the conclusion that the appeal cannot be disposed of in conformity with clause 4, it is necessary to hear the appeals on other grounds in accordance with the provisions of the 1951 Act and the Amendment Act, 1974 and 1975.

The second contention of the respondent is that the session of the Lok Sabha and the Rajya Sabha is invalid for these reasons. If the Executive illegally and unconstitutionally detains any person the detention affects the validity of the proceedings. A number of members of Parliament of the two Houses, namely, the Lok Sabha and Rajya Sabha were detained by executive orders after 26 June, 1975 and before the summoning of a session of the two Houses of Parliament. Parliament commenced the session on 21 July, 1975. None of the members of Parliament were either supplied any grounds of detention or given any opportunity to make any representation against their detention. The President who was the authority to summon a session of Parliament issued the Presidential Order under Article 359 of the Constitution on 27 June, 1975. The right of the detained members of Parliament to move any court for the enforcement of their fundamental right under Article 22 of the Constitution was taken away by the executive order of the President who became a party to the unconstitutional and illegal detention of the members of Parliament by preventing them from securing their release.

The constitutional position of the two Houses of Parliament is governed by the provisions of Articles 79 and 81 of the Constitution. The respondent contends that unless the President convenes a session of the Full Parliament by giving to all members thereof an opportunity to attend the session and exercise their right of speech and vote, the convening of the session will suffer from illegality and unconstitutionality and cannot be regarded as a session of the two Houses of Parliament. Any business transacted in a session of such truncated House cannot, therefore, be regarded in law as a session of a House.

The mere fact that a person who is under unconstitutional and illegal detention may be deprived of his right to move a

court to secure his release from such illegal detention by means of a Presidential Order under Article 359 is said by the respondent not to render the detention of a person either legal or constitutional, and, therefore, such a detainee must be provided an opportunity to participate in the proceedings of the House. It is emphasised by the respondent that when important leaders of different parties are unconstitutionally prevented from participating in the session of the House, a session cannot be held for deliberations in which different members influence the views of others by their own participation. If in the holding of a session and in transacting business therein, the provisions of the Constitution are not complied with, this is said to amount to illegality or unconstitutionality and not a mere procedural irregularity within the meaning of Article 122(1) of the Constitution.

The essence of the respondent's contention is that the right of participation of some members of the House of Parliament in the proceedings of Parliament under Article 105(3) of the Constitution has been interfered with. When a member is excluded from participating in the proceedings of the House, that is a matter concerning Parliament and the grievance of exclusion is in regard to proceedings within the walls of Parliament. In regard to rights to be exercised within the walls of the House the House itself is the judge. See May's Parliamentary Practice 18th Ed. pp. 82-83, 12Q.B.D. 271 at 285-286).

In *Bradlaugh v. Gossett*⁽¹⁰⁾ 12 Q.B.D. 271 Bradlaugh claimed to make affirmation instead of taking the oath. He was permitted to make the affirmation "subject to any liability by statute", and took his seat. Upon an action for penalties it was decided, finally by the House of Lords, that Bradlaugh had not qualified himself to sit by making the affirmation. On re-election, he attempted to take the oath, but was prevented by order of the House which eventually directed the Serjeant to exclude him from the House until he undertook to create no further disturbance. Bradlaugh then brought an action against the Serjeant in order to obtain a "declaration that the order of the House was beyond the power and jurisdiction of the House and void, and an order restraining the Serjeant at Arms from preventing Bradlaugh by force from entering the House". It was held that the Court had no power to restrain the executive officer of the House from carrying out the order of the House. The reason is that the House is not subject to the control of the Courts in the administration of the internal proceedings of the House.

If an outside agency illegally prevents a member's participation the House has the power to secure his presence. In 1543 Ferrers a member was arrested in London. The House, on hearing of his arrest, ordered the Serjeant to go to the Compter and demand his delivery. The Serjeant was resisted by the city officers, who were protected by the sheriffs. The Commons laid their case before the Lords. They ordered the Serjeant to repair to the sheriffs, and to require the delivery of Ferrers without any writ or warrant. The Lord Chancellor had offered them a writ of privilege but they refused it. The sheriffs in the meantime had surrendered the prisoner. This practice of releasing Members by a writ of Privilege continued but no writ was to be obtained.

The present mode of releasing arrested members goes back to Shirley's⁽¹¹⁾ case. (1 Halsell, 157). In 1603 Shirley was imprisoned in the Fleet, in execution, before the meeting of Parliament. The Commons first tried to bring him into the House by habeas corpus, and then sent the Serjeant to demand his release. The warden refused to give up his prisoner. At length the warden delivered up the prisoner.

An Act 1 James I, c. 13 was passed, which while it recognised the privilege of freedom from arrest, the right of either House of Parliament to set a privileged person at liberty, and the right to punish those who make or procure arrests, enacted that after such time as the privilege of that session in which privilege is granted shall cease, parties may sue and execute a new writ. In 1700 an Act was passed which while it maintained the privilege of freedom from arrest with more distinctness than the Act 1 James I c. 13, made the goods of privileged persons liable to distress infinite and sequestration, between a dissolution or prorogation and the next meeting of Parliament, and during adjournments for more than fourteen days.

The composition of Parliament is not dependent on inability of a member to attend for whatsoever reason. The

purpose of Article 85 is to give effect to the collective right of the House which represents the nation to be called as often as the situation demands, and in any case the interval between two sessions must not exceed six months. Assuming a conflict were to arise between the privileges of a member under Article 105(3) and the functions of the House to assemble under Article 85 the privilege of the member will not prevail. The detention of members of Parliament is by a statutory authority in the exercise of his statutory powers.

The suspension under Article 359 of the remedy for the enforcement of fundamental rights is dependent on a Proclamation of Emergency under Article 352. Parliament has the power not to approve of the Proclamation, and, thereafter the emergency shall cease to operate. The contention of the respondent means that Parliament cannot meet even so as to withhold approval of the emergency and thus terminate the suspension of the member's right of moving the court. The Constitution provides for proclamation of emergency, the suspension of the remedy under Article 359 for enforcement of fundamental rights enabling even detention of members of Parliament when necessary. Article 85 is not suspended. The six month rule is obligatory. It follows that the members' right Article 105 are not available under a detention in these under circumstances. For the purposes of Article 105(3) a conviction under Penal laws of detention under Emergency laws must be deemed to be valid till it is set aside.

When under Article 359 the President during the operation of a Proclamation of Emergency by order declares that the right to move any court for the enforcement of rights conferred by Part III shall remain suspended and persons who are members of House of Parliament are in detention under orders made under the Maintenance of Internal Security Act, the detention cannot be challenged by collateral attack on the ground of deprivation of their participation in the Parliamentary proceedings. The challenge will be questioning the detention on the ground that the detention is in violation of Articles 19, 21 and 22.

Article 85 provides that not more than six months shall intervene between the two Sessions of Parliament Article 85 is not a provision regarding the constitution of Parliament but of holding of Sessions. The powers, privileges and immunities of Parliament and its members as provided in Article 105 are that they shall be such as may be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom.

In *Special Reference No. 1 of 1964* ⁽¹²⁾ (1965) 1 S.C.R. 413 it was held that the court could entertain a petition under Article 226 on the ground that the imposition of penalty by the legislature on a person who is not a member of the legislature or issuing process against such person for its contempt committed outside the four walls of the House.

The scope of the parliamentary privilege of freedom from arrest has been defined positively and negatively. The positive aspect of the privilege is expressed in the claim of the Commons to freedom from arrest in all civil actions or suits during the time of Parliament and during the period when a member was journeying or returning from Parliament. The privilege has been defined negatively in the claim of the Commons which specifically expected treason, Felony and breach or surety of the peace.

The privilege of freedom from arrest is limited to civil cases, and has not been allowed to interfere with the administration of criminal justice or emergency legislation. (See May's Parliamentary Practice 18th Ed. at p. 100). In early times the distinction between "civil" and "criminal" was not clearly expressed. The development of the privilege has shown a tendency to confine it more narrowly to cases of a civil character and to exclude not only every kind of criminal case, but also cases which, while not strictly criminal, partake more of a criminal than of a civil character. This development is in conformity with the principle laid down by the Commons in a conference with the Lords in 1641: "Privilege of Parliament is granted in regard of service of the Commonwealth and is not to be used to the danger of the Commonwealth".

In *Wilkes*' ⁽¹³⁾ case 19 State Tr., 981 it was resolved by both Houses on 29 November, 1763 that the privilege of Parliament does not extend to the case of writing and publishing seditious libels, nor ought to be allowed to obstruct

the ordinary course of the laws in the speedy and effectual prosecution of so heinous and dangerous an offence. "Since that time" the Committee of Privileges said in 1831 "it has been considered as established generally, that privilege is not claimable for any indictable offence".

These being the general declarations of the law of Parliament, the House will not allow even the sanctuary of its walls to protect a Member from the process of criminal law, although a service of a criminal process on a Member within the precincts of Parliament, whilst the House is sitting without obtaining the leave of the House, would be a breach of privilege.

The committal of a Member in England for high treason or any criminal offence is brought before the House by a letter addressed to the Speaker by the committing judge or magistrate. Where a Member is convicted but released on bail pending an appeal, the duty of the Magistrate to communicate with the Speaker does not arise. No duty of informing the Speaker arises in the case of a person who while in prison under sentence of a court is elected as a Member of Parliament. In the case of detention of Members under Regulation 14B of the Defence of Realm Regulations in England, the communication was made to the Speaker by a letter from the Chief Secretary to the Lord Lieutenant of Ireland which was read to the House by the Speaker. The detention of a Member under Regulation 18B of the Defence (General) Regulation, 1939, made under the Emergency Powers (Defence) Acts, 1939 and 1940, led to the Committee of Privileges being directed to consider whether such detention constituted a breach of the privileges of the House; the Committee reported that there was no breach of privilege involved. In the case of a member reported from Northern Rhodesia for non-compliance with an order declaring him to be a prohibited immigrant, the Speaker held there was no prima facie case of breach of privilege. (See May's Parliamentary Practice 18th Ed. p. 103).

In **K. Anandan Nambiar and Anr. v. Chief Secretary Government of Madras & Ors.** (20) (1966) 2 S.C.R. 406 the petitioners who were members of Parliament and detained by orders passed by the State Government under Rule 30(1)(b) of the Defence of India Rules, 1962 challenged the validity of the orders of detention on the ground that Rule 30(1)(b) was not valid because "a legislator cannot be detained so as to prevent him from exercising his constitutional rights as such legislator while the legislative chamber to which he belongs is in session". The State raised a preliminary objection that the petitions were incompetent in view of the order issued by the President under Article 359(1) suspending the rights of any person to move any court for the enforcement of rights conferred by Articles 14, 21 and 22. This Court held that the validity of the Act, Rule or order made under the Presidential Order could not be questioned on the ground that they contravene Articles 14, 21 and 22.

The petitioners also contended in **Nambiar's** (20) case (supra) that Rule 30(1)(b) under which the orders of detention had been passed was invalid on grounds other than those based on Articles 14, 19, 21 and 22. This Court held that if that plea was well-founded, the last clause of the Presidential Order was not satisfied, and, therefore, the bar created by it suspending the citizens' fundamental rights under Articles 14, 21 and 22 could not be pressed into service by the respondent.

Articles 79, 85, 86, 100(1) and 105(3) were considered in **Nambiar's** (20) case (supra) in relation to right of Members of Parliament, and it was held that the totality of rights cannot claim the status of fundamental rights and freedom of speech on which reliance was placed is a part of the privileges falling under Article 105. The reason is that freedom from arrest under a detention order is not recognised as a privilege which can be claimed by Members of House of Commons in England. This Court then posed the question that if a claim for freedom from arrest by a detention order could not be sustained under the privileges of the Members of Parliament whether it could be sustained on the ground that it is a constitutional right which could not be contravened. The statement in May's Parliamentary Practice 7th Ed. at p. 78 which is to be found in the 18th Edition at p. 100 that the privilege of freedom from arrest is limited to civil causes, and has not been allowed to interfere with the administration of criminal justice or emergency legislation was accepted as the basis of two propositions laid down in **Nambiar's** (20) case (supra). First, Articles 79, 85, 86, 100 and 105 cannot be construed to confer any right as such on individual Members or impose any obligation on them. It is not as if a Member of Parliament

is bound to attend the session or is under an obligation to be present in the House when the President addresses it. The context in which these Articles appear shows that the subject-matter of these Articles is not the individual rights of the Members of Parliament, but they refer to the right of the President to issue a summons for the ensuing session of Parliament or to address the House or Houses. Second, the freedom of speech to which Article 105 refers would be available to a Members of Parliament when he attends the session of the Parliament. If the order of detention validly prevents him from attending a session of Parliament, no occasion arises for the exercise of the right of freedom of speech and no complaint can be made that the said right has been invalidly invaded.

The second ground of challenge that there was no valid session of the House cannot be accepted for the reasons given above. It has also to be stated that it is not open to the respondent to challenge the orders of detention collaterally. The principle is that what is directly forbidden cannot be indirectly achieved.

The High Court found first that the appellant has to be regarded as a candidate from 29 December, 1970 as she held herself out on that date as a candidate. The second finding is that the appellant obtained and procured the assistance of Yashpal Kapur for the furtherance of her election prospects when Yashpal Kapur was serving as a Gazetted Officer with the Government of India. The High Court found that Yashpal Kapur's resignation from his service though submitted on 13 January, 1971 did not become effective until 25 January, 1971 when it was notified. The further finding by the High Court is that Yashpal Kapur under the instructions of the appellant delivered election speech on 7 January, 1971 at Munshi Ganj and another speech at Kalan on 19 January, 1971. The third finding by the High Court is that the appellant and her election agent Yashpal Kapur procured and obtained the assistance of the officers of the State Government particularly, the District Magistrate, the Superintendent of Police, the Executive Engineer, P. W. D. and the Engineer to Hydel Department for the construction of rostrums and arrangement for supply of power for loudspeakers at meetings addressed by the appellant on 1 February, 1971 and 25 February, 1971 and further that the said assistance was for furtherance of the prospects of election of the appellant. The High Court found the appellant guilty of corrupt practice under section 123(7) of the 1951 Act. The High Court declared the election of the appellant to be void. The High Court also held the appellant to be disqualified for a period of six years from the date of the order.

The definition of "candidate" in section 79(b) of the 1951 Act until the amendment thereof by the Election Laws (Amendment) Act, 1975 was as follows:—

"'Candidate' means a person who has been or claims to have been duly nominated as a candidate at any election and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate".

This definition has now been substituted by section 7 of the Amendment Act, 1975, as follows:—

"'Candidate' means a person who has been or claims to have been duly nominated as a candidate at any election".

Section 10 of the Amendment Act, 1975 further enacted that the amendments shall have retrospective operation so as to apply to and in relation to any election held before the commencement of the Amendment Act, 1975 on 6 August, 1975 to either House of Parliament or to either House or the House of the Legislature of a State, inter alia, (iv) in respect of which appeal from any order of any High Court made in any election petition under section 98 or section 99 of the 1951 Act is pending before the Supreme Court immediately before such commencement.

Section 9 of the Amendment Act, 1975 has substituted clause (a) in section 171-A of the Indian Penal Code and a "candidate" means for the purpose of section 171-A of the Indian Penal Code a person who has been nominated as a candidate at any election. Previously the definition of "candidate" in section 171-A of the Indian Penal Code was the

same as in section 79(b) of the 1951 Act prior to the amendment thereof by the Amendment Act, 1975. In section 171-A of the Indian Penal Code there was a proviso to the effect that candidate would mean a person who holds himself out as a prospective candidate provided he is subsequently nominated as a candidate.

Relying on the provisions introduced by the Amendment Act, 1975, it is contended on behalf of the appellant that she will be regarded as a candidate only from 1 February 1971, namely, the date when she has been duly nominated as a candidate at her election, and therefore, the finding of the High Court cannot be sustained. It is also contended by the appellant that the finding of the High Court that Yashpal Kapur delivered election speeches on 7 January, 1971 and 19 January, 1971 under instructions of the appellant cannot be supported because the appellant was not a candidate either on 7 January, 1971 or on 19 January, 1971.

The second finding by the High Court with regard to the resignation of Yashpal Kapur not to be effective until 25 January, 1971 is contended to be displaced by legislative change by the Amendment Act, 1975. Section 8(b) of the Amendment Act, 1975 has introduced Explanation (3) at the end of section 123(7) of the 1951 Act. This Amendment has retrospective operation.

The Explanation is as follows:—

“(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof—

- (i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and
- (ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service, such person ceased to be in such service with effect from the said date”.

The effect of Explanation (3) at the end of section 123(7) of the 1951 Act incorporated by the notification dated 25th January, 1971 in the Gazette dated 6th February, 1971 makes the fact of the resignation of Yashpal Kapur from his service fully effective from 14th January, 1971. It is, therefore, contended that from 14th January, 1971 Yashpal Kapur was not a Government servant.

To constitute a corrupt practice within the meaning of section 123(7) of the 1951 Act the act complained of must be an act of obtaining or procuring of assistance of the categories of Government servants mentioned therein by the candidate or his election agent or by any other person with the consent of the candidate or his election agent. Section 100(1)(b) of the 1951 Act enacts that if the High Court is of opinion that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent, the High Court shall declare the election of the returned candidate to be void. A returned candidate is defined in section 79(f) of the 1951 Act to mean a candidate whose name has been published under section 67 of the 1951 Act as duly elected. A returned candidate in order to be guilty of a corrupt practice within the meaning of section 123(7) of the 1951 Act must be guilty of any of the acts mentioned in the different sub-sections of section 123 as a candidate. The appellant contends that the appellant was not a candidate on 7th January, 1971 or 19th January, 1971 and there could not be any procuring or obtaining of any assistance by the appellant as a candidate or by anybody else with the consent of the appellant. All the sub-sections of section 123 of the 1951 Act refer to the acts of a candidate or his election agent or any other person with the consent of the

candidate or his election agent. The present definition of “candidate” which has retrospective effect is contended to exclude completely acts by candidate prior to the date he is nominated as a candidate.

The third finding by the High Court that the appellant and her election agent Yashpal Kapur procured and obtained the assistance of the officers of the State Government, particularly, the District Magistrate, the Superintendent of Police, the Executive Engineer, P.W.D. and the Engineer to Hydrel Department for construction of rostrums and arrangement for supply of power for loudspeakers and for their assistance for furtherance of the prospects of the election of the appellant has to be tested in the light of the provisions contained in section 123(7) of the 1951 Act. Under the said provision obtaining or procuring by candidate or his agent any assistance for the furtherance of the prospect of that candidate from Gazetted Officers is corrupt practice. The Amendment Act, 1975 by section 8 thereof has added a proviso to section 123(7) of the 1951 Act. The proviso is as follows:—

“Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to any candidate or his agent or any other person acting with the consent of the candidate or his election agent, (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election”.

The proviso aforesaid shows that where persons in the service of the Government in the discharge of official duty make any arrangement or provide any facility or do any act or thing in relation to a candidate, such arrangements and facilities shall not be deemed to be assistance for furtherance of the prospect of the candidate's election. Therefore, the service rendered by Government servants for construction of rostrums and arrangements for supply of power for loudspeakers according to the contention of the appellant could not be considered as assistance for the furtherance of the prospects of the election of the appellant.

The contentions of the appellant can succeed if the Amendment Acts of 1974 and 1975 are valid. The respondent has challenged the constitutional validity of these Acts. Therefore, that question has to be examined before the appellant's contentions can be answered.

The respondent in cross-appeal challenged the findings of the High Court on issue No. 9 and contended that the High Court should have held that the election expenses of the appellant exceeded the limit. The respondent also challenged the finding of the High Court with regard to issue No. 6 and contended that the High Court should have held that the symbol of cow and calf was a religious symbol and the appellant committed corrupt practice as defined in section 123(3) of the 1951 Act. The respondent did not press Issues No. 4 and 5 which related to distribution of quilts, blankets, dhoties and liquor. The respondent also abandoned Issue No. 7 which related to voters being conveyed to the polling stations free of charge on vehicles hired and procured by Yashpal Kapur.

The issue pressed by the respondent was that the appellant and her election agent Yashpal Kapur incurred or authorised expenditure in excess of the amount prescribed by section 77 of the 1951 Act read with Rule 90. The respondent alleged that the election expenses of the appellant, inter alia, were Rs. 1,28,700 on account of hiring charges of vehicles, Rs. 43,230 on account of cost of petrol and diesel; Rs. 9,900 on account of payments made to the drivers of the vehicles. The respondent further alleged that the appellant spent Rs. 1,32,000 on account of construction of rostrums for public meetings on 1st February, 1971 and 25th February, 1971. The respondent contended that the findings of the High Court should be reversed.

The High Court found that the election expenses furnished by the appellant were Rs. 12,892.97. The High Court added another sum of Rs. 18,183.50. The three items which were added by the High Court were cost of erection of rostrums

amounting to Rs. 16,000, cost incurred in installation of loudspeakers amounting to Rs. 1,951 and cost for providing car transport to respondent No. 1 amounting to Rs. 232.50. The total election expenses found by the High Court came to Rs. 31,976.47 which was below the prescribed limit of Rs. 35,000.

With regard to hiring charges of vehicles the High Court found that the respondent did not examine any witness to indicate as to whether the vehicles were used only for party propaganda or they were used in connection with the election of the appellant. The High Court further found that the documents which were relied on by the respondent did not establish that the vehicles had been engaged or used in connection with the election work of the appellant.

The respondent repeated the following contentions which had been advanced before the High Court. Dal Bahadur Singh, President, District Congress Committee wrote a letter to the District Election Officer intimating that 23 vehicles had been engaged by the District Congress Committee for election work in Rae Bareilly, Amethi and Ram Sanahi Ghat constituencies, and, therefore, the vehicles should be derequisitioned. Dal Bahadur Singh thereafter wrote a note to Yashpal Kapur and requested that the letter be sent to the District Election Officer to that effect. Yashpal Kapur wrote a letter to the District Election Officer and repeated the prayer contained in Dal Bahadur Singh's letter. It was, therefore, contended that because Yashpal Kapur for the election agent of the appellant and he moved for the derequisition of the vehicles it should be inferred that the vehicles were engaged for the election of the appellant. Yashpal Kapur said that the vehicles were used in the three Parliamentary constituencies. The High Court rightly held that the evidence did not establish that the vehicles had been used for the election work of the appellant. The High Court also correctly found that there was no evidence to show that Yashpal Kapur made any propaganda from the vehicles in any manner for the purpose of the election.

With regard to the expenses for the erection of rostrums the respondent contended that the appellant's election expenses should include Rs. 1,32,000 as the costs for erection of rostrums for the meetings on 1st February, 1971 and the meeting on 25th February, 1971. The High Court held that Rs. 16,000 could only be added to the election expenses of the appellant consisting of Rs. 6,400 for four rostrums and Rs. 9,600 for six rostrums.

The amount of Rs. 16,000 which was added by the High Court on account of cost of erection of rostrums cannot be included in the election expenses of the appellant by reason of amendment to section 77 of the 1951 Act by the Amendment Act, 1975. Explanation 3 has been added as follows:—

For the removal of doubt, it is hereby declared that any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purposes of this sub-section."

By the Amendment Act, 1975 a proviso has been added to section 123(7) of the 1951 Act to the effect that arrangements made or facilities provided or any act done by a Government servant belonging to the class mentioned there in the discharge of official duty shall not be deemed to be assistance for furtherance of the prospects of that candidate's election. All these amendments have retrospective operation. Therefore, the cost of rostrums cannot be added to the election expenses of the appellant. Services rendered by Government servants for the erection of rostrums and for supply of power for loudspeakers cannot be deemed to be assistance for the furtherance of the prospects of that candidate's election.

The respondent contended that Exhibit 118 which was the Bank account of the District Congress Committee showed on the one hand that there was deposit of Rs. 69,930/- on 4 March, 1971 and on the other there was a withdrawal of Rs. 40,000/- on 4 March, 1971 and of Rs. 25,000/- on 6 March,

1971, and, therefore, the sum of Rs. 65,000/- should be added to the election expenses of the appellant. When it was put to Yashpal Kapur that the sums of Rs. 40,000 and Rs. 25,000 were withdrawn by Dal Bahadur Singh, Yashpal Kapur said that he was not aware of it. There is no pleading in the election petition that the appellant authorised incurring expenditure by a political party. There is no pleading that any amount has been paid by the political party. There is no complaint in the petition about the sum of Rs. 65,000 or the sum of Rs. 69,930. Yashpal Kapur denied knowledge of Rs. 70,000. The appellant was not asked a single question. There is no evidence to identify any of these payments with the election of the appellant.

It is appropriate at this stage to refer to the amendment which was introduced by the Amendment Act, 1974. The appellant relies on the provision to show that expenses incurred or authorised by a political party cannot be included in election expenses. Explanation I which was inserted at the end of section 77 of the 1951 Act by Amendment Act, 1974 is that any expenditure incurred or authorised in connection with the election of a candidate by a political party or by any other association or body of persons or by an individual other than the candidate or his election agent shall not be deemed to be and shall not ever be deemed to have been expenditure in connection with the elections incurred or authorised by the candidate or by his election agent.

A proviso was also added to the aforesaid Explanation I by the Amendment Act, 1974. The proviso stated that nothing contained in the Explanation shall affect (a) any judgment, order or decision of the Supreme Court whereby the election of a candidate to the House of the People or to the Legislative Assembly of a State has been declared void or set aside before the commencement of the Representation of the People (Amendment) Ordinance, 1974; (b) any judgment, order or decision of a High Court whereby the election of any such candidate has been declared void or set aside before the commencement of the said Ordinance if no appeal has been preferred to the Supreme Court against such judgment, order or decision of the High Court before such commencement and the period of limitation for filing such appeal has expired before such commencement.

Explanation 2 which was added to section 77 of the 1951 Act by the Amendment Act, 1974 is as follows:—

"For the purposes of Explanation I "political party" shall have the same meaning as in the Election Symbols (Reservation and Allotment) Order, 1968, as for the time being in force".

Counsel for the respondent relied on the recent decision of this Court in *Kanwar Lal Gupta v. Amarnath Chawla & Ors.* (21) A.J.R. 1975 S. C. 308 in support of the proposition that there has been no change in law and if expenses incurred by a political party can be identified with the election of a candidate then that expenditure is to be added to the election expenses of a candidate as being authorised by him. There are no findings by the High Court in the present appeals that any expenses by a political party were authorised by the appellant. There is also no finding in the present appeals that any expenses incurred by a political party can be identified with the election of the appellant. The changes in law effected by the Amendment Acts, 1974 and 1975 totally repel the submissions on behalf of the respondent. Expenses incurred or authorised in connection with the election of a candidate by a political party shall not be deemed to be and shall not ever be deemed to have been expenditure in connection with the election incurred or authorised by the candidate. Furthermore, the ruling in *Kanwar Lal Gupta's* (21) case (supra) is no longer good law because of the legislative changes.

Counsel for the respondent contended that the judgment of the High Court should be reversed with regard to election expenses of the appellant on three counts. First, Exhibit 118 shows that the sum of Rs. 65,000 which was drawn by the Congress Committee should have been held by the High Court on a reasonable inference to have been spent by the District Congress Committee as having been authorised by the election agent of the appellant. Second, the High Court has not taken into account expenses of the election agent at 12 meetings other than the meetings addressed by the appellant and has also not taken into account the telephone expenses of the election agent. The telephone expenses amounted to Rs. 336.85 between 11 January, 1971 and 10 February, 1971 and a

further sum of Rs. 2,514 for the period 11 February 1971 to 15 March, 1971. Third, it is said that there were 5,000 polling booths and if 20 workers were required per booth then 10,000 workers would be required and the only inference is that an amount in excess was spent for workers with the authority of the election agent.

In Issue No. 9 there was no amount alleged with regard to telephone bias or election meetings under the heading of alleged election expenses. There was no allegation to that effect in the petition. With regard to expenses for the alleged 12 meetings addressed by the election agent the evidence of Yashpal Kapur is that he addressed about a dozen meetings and he did not include in the election return the expenses incurred for installation of loudspeakers because the expenditure was not incurred by him. He also said that he did not include in the election return the expenses incurred over the construction of platforms because the meetings were arranged by the District Congress Committee. No allegations were made in the petition with regard to any alleged sum of money on account of election meetings where the election agent spoke. The High Court rightly said that the telephones expenses and expenses for meetings could not be taken into consideration because no suggestion of the case was made until the stage of arguments.

The respondents submission is that the appellant was the Prime Minister at the time of the election, and, therefore, there was a big campaign and the expenses were enormous. That will mean little. Expenses incurred or authorised by a political party are under the Amendment Act, 1974 not to be deemed to be expenditure in connection with the election incurred or authorised by the candidate or by his election agent for the purposes of section 77 of the 1951 Act. The part played by a political party in connection with candidates of the party at the election particularly in relation to expenditure incurred by the political party with regard to candidates of the party has been the subject of some decisions of this Court. This Court has observed that expenditure must be by the candidate himself and any expenditure in his interest by others (not his agent within the meaning of the term of the Election Laws) is not to be taken note of. Where vehicles were engaged by the Congress Committee and used by the candidate, the amount spent by the Congress Committee could not be taken to be included in the expenditure of the candidate's election expenses (See **Hans Raj v. Pt. Hari Ram & Ors.** (22) 40 Election Law Reports 125).

Expenses incurred by a political party in support of its candidates have been held by this Court not to fall within the mischief of section 123(6) of the 1951 Act (See **Shah Jayantilal Ambalal v. Kasturilal Nagindas Doshi & Ors.** (28) 42 Election Law Reports 307). In **Ramanujay Singh v. Baijpath Singh & Ors.** (21) (1955) 1 S.C.R. 671 this Court pointed out that expenses must be incurred or authorised by the candidate or his agent. In that case the Manager, the Assistant Manager, 20 Ziladars and their peons were alleged to have worked for the election of the appellant. This Court held that the employment of extra persons and the incurring or authorising of extra expenditure was not by the candidate or his election agent. The extra men employed and paid were in the employment of the father of the appellant. This Court said that the position in law could not be at all different if the father had given those employees a holiday on full pay and they voluntarily worked in connection with the election of the appellant. Persons who volunteer to work cannot be said to be employed or paid by the candidate or by his election agent.

In **Ram Dayal v. Brijraj Singh Ors.** (25) (1970) 1 S.C.R. 530 the appellant challenged the election of the respondent on the ground that the Maharaja and the Rajmata of Gwalior had helped the respondent's election in a number of ways and acted as his agents and the respondent incurred considerable expenditure which exceeded the limit. This court found that assuming the expenditure was incurred by the Maharaja and the Rajmata of Gwalior for the purpose of canvassing votes, in the absence of any evidence to show that the Maharaja and the Rajmata acted as election agents or that the expenditure was authorised by the respondent, it was not liable to be included in the election expenses.

On behalf of the respondent it was said relying on the decision of this Court in **Kanwar Lal Gupta's** (21) case (supra)

that if the candidate takes advantage of expenditure incurred by the political party in connection with the election of the candidate or participates in the programme of activity or fails to disavow the expenditure the candidate cannot escape the rigour of the ceiling by saying that he has not incurred the expenditure but his political party has done so. Expenditure incurred by a political party in connection with the election of the candidates of the party is not a part of the election expenses of the candidate. Similarly, participation in the programme of activity organised by a political party will not fall within the election expenses of the candidate of the party. A candidate is not required to disavow or denounce the expenditure incurred or authorised by the political party because the expenditure is neither incurred nor authorised by the candidate. One can disavow what would be ascribed to be incurred or authorised by one. In the case of expenses of a political party there is no question of disavowing expenditure incurred or authorised by the political party.

The decision in **Kanwar Lal Gupta's case** (21) (supra) was based on an observation extracted from the decision of this Court in **Megh Raj Patodia v. R. K. Birla & Ors.** (26) (1971) 2 S. C. R. 118. In **Megh Raj Patodia's** (26) case (supra) the allegations were that the respondent had been put up by one of the wealthiest business houses in the country which owned or controlled a large number of companies and during the election campaign vast material and human resources of these companies were drawn upon by the respondent. This Court dismissed the appeal on the ground that the appellant had failed to establish that expenditure in excess of the prescribed limit was incurred by the respondent. In **Megh Raj Patodia's** (26) case (supra) there is an observation that expenses incurred by a political party to advance the prospects of the candidates put up by it without more do not fall within section 77 of the 1951 Act. The words "something more" were construed by counsel for the respondent to mean that if a candidate takes advantage of expenditure incurred or authorised by a political party such expenses could be attributed to a candidate. The Amendment Act, 1974 has added Explanation 1 to section 77 of the 1951 Act which shows that expenditure incurred or authorised in connection with the election of a candidate by the political party shall not be deemed to be expenditure incurred or authorised by the candidate or his election agent.

Allegations that election expenses are incurred or authorised by a candidate or his agent will have to be proved. Authorisation means acceptance of the responsibility. Authorisation must precede the expenditure. Authorisation means reimbursement by the candidate or election agent of the person who has been authorised by the candidate or by the election agent of the candidate to spend or incur. In order to constitute authorisation the effect must be that the authority must carry with it the right of re-imbursement.

For the foregoing reasons the contentions of the respondent that the appellant exceeded the limit of election expenses fail.

The respondent contended that the amendments by the Amendment Acts of 1974 and 1975 are constitutionally invalid. It may be stated here that the Constitution (Thirty-ninth Amendment) Act, 1975 in section 5 thereof enacts that in the Ninth Schedule to the Constitution after entry 86, *inter alia*, the following Entries shall be inserted, namely:—

"87. The Representation of the People Act, 1951 (Central Act 43 of 1951); The Representation of the People (Amendment) Act, 1974 (Central Act 58 of 1974); and the Election Laws (Amendment) Act, 1975 (Central Act 40 of 1975)".

The contention of the respondent is that when the power of amending the Constitution cannot be exercised to damage or destroy the basic features of the Constitution or the essential elements of the basic structure or framework thereof, the limitations on the exercise of legislative power will arise not only from the express limitations contained in the Constitution, but also from necessary implication either under Articles or even in the Preamble of the Constitution. This contention on behalf of the respondent is expanded to mean that if the democratic way of life through parliamentary institutions based on free and fair elections is a basic feature which cannot be destroyed or damaged by amendment of the Constitution, it cannot similarly be destroyed or damaged by any legislative measure.

These reasons were submitted by the respondent. First, the power to resolve doubts and disputes about the validity of elections of Parliament and State Legislatures has been vested by the Constitution in the judicial organ competent to decide election, petitions and, therefore, it is not open to the Legislatures to take away and interfere with these exclusive functions of the judiciary by any legislation amending the law governing the election adjudicated by the judiciary. Second, the insertion of these Acts in the Ninth Schedule will not confer any immunity on the legislative measure if basic features of the Constitution are damaged or destroyed on the ground that the provisions contravene Part III of the Constitution. Third, any provision in the legislative measures which has the effect of bringing about unfairness between different rival candidates in the matter of election is discriminatory and it not only contravenes Article 14 but also violates the implied limitation or legislative power relating to free and fair elections. Fourth, any amendment of the law with retrospective operation governing an election which has already been held necessarily introduces an element of unfairness and brings about a denial of equality among rival candidates. Fifth, the deeming clause introduced in the 1951 Act by sections 6(b) and 8(a) and (b) of the Amendment Act, 1975 and the device of conclusive proof adopted by section 8(c) in the Amendment Act, 1975 are unconstitutional encroachments on judicial power. Sixth, power conferred by an enactment including a constitutional enactment has to be so exercised as to give effect to the guiding principles of the basic norms of that legislation and not so as to militate against those guiding principles or basic norms.

The definition of "candidate" is amended by the Amendment Act, 1975. The contentions of the respondent on the amendment of the definition of "candidate" are these. The expression "returned candidate" is descriptive of the person and the corrupt practices mentioned in section 123 of the 1951 Act in relation to a candidate will not be confined to corrupt practices committed with reference to the definition of "candidate". Corrupt practices alleged in relation to candidates will be relatable to any period and will not be confined to corrupt practices alleged between the date of nomination and the date of election. If corrupt practices are committed by candidates who eventually become returned candidates such corrupt practices will be offences within the meaning of section 123 of the 1951 Act without any reference to the time of commission.

Counsel on behalf of the respondent also contended as follows. The basis of fair and free elections is that the election of a candidate will be avoided if any corrupt practice has been committed by the candidate by or with the knowledge and consent of that candidate. The acts of a candidate may be either anterior to the date of nomination or it may be subsequent to the date of nomination. Therefore, the Amendment Act, 1975 destroys and damages free and fair election by allowing candidates to commit corrupt practices prior to the date of nomination.

The Amendment Act, 1975 is also challenged as falling within the vice of delegated legislation by the amendments inserted as Explanation 3 to section 77 of the 1951 Act and the insertion of the proviso to section 123(7) of the 1951 Act. These provisions have already been noticed. Broadly stated expenditure incurred by persons in Government service will not be deemed to be for furtherance of the candidate's election. The contentions are these. No guidelines have been laid down as to what expenditure can be incurred or what facilities can be made, what acts or things can be done. Delegation cannot include the change of policy. Policy must be clearly laid down in the Act for carrying into effect the objectives of the legislation. The legislature must declare the policy. Any duty can be assigned, any facility in connection with the election can be asked for by the party in power to be done for the candidate. The official-duty opens a wide power of instructions to Government servants who may be asked to assist candidates by Canvassing, influencing which will damage fair elections.

The device of conclusive proof which is introduced to add Explanation 3 to section 123(7) of the 1951 Act with regard to the date with effect from which the person ceased to be in service is said to be an encroachment on judicial power.

Section 8(a) of the Amendment Act, 1975 which adds a proviso to section 123 of the 1951 Act to the effect that no symbol allotted under this Act to a candidate shall be deemed

to be a religious symbol or a national symbol for the purposes of this clause is attacked as legalising religious symbols and thus offending secularism.

Section 10 of the Amendment Act, 1975 which enacts that the amendments shall have retrospective effect is challenged as retrospectively legalising a void election. These submissions are made. If this power is upheld there can be a legislative measure to avoid valid elections. The distinction between law abiding persons and lawless persons is eliminated. One person has not been given the opportunity of spending money at the time of election but the other is retrospectively given the advantage of spending in excess and thereafter of avoiding the effect of excess expenses by validation.

The contentions on behalf of the respondent that ordinary legislative measures are subject like Constitution amendments to the restrictions of not damaging or destroying basic structure, or basic features are utterly unsound. It has to be appreciated at the threshold that the contention that legislative measures are subject to restrictions of the theory of basic structures or basic features is to equate legislative measures with Constitution amendment. The hierarchical structure of the legal order of a State is that the Constitution is the highest level within national law. The Constitution in the formal sense is a solemn document containing a set of legal norms which may be changed only when special prescriptions are observed. The purpose of special prescriptions is to render the change of these norms more difficult by regulating the manner and form of these amendments. The Constitution consists of those rules which regulate the creation of the general legal norms, in particular, the creation of statutes. It is because of the material Constitution that there is a special form for constitutional law. If there is a constitutional form then constitution laws must be distinguished from ordinary laws. The material Constitution may determine not only the organs and procedure of legislation, but also, to some degree, the contents of future laws. The Constitution can negatively determine that the laws must not have a certain content e.g. that the Parliament may not pass any statute which restricts religious freedom. In this negative way not only contents of statutes but of the other norms of legal order, judicial and administrative decisions likewise, may be determined by the Constitution. The Constitution can also positively prescribe certain contents of future statutes. This may be illustrated with reference to the provisions in Article 22 that no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

Articles 245 and 246 give plenary powers to legislatures to legislate. The only questions is whether any provision of the Constitution is violated. The power of plenary body is not to be construed like the power of a delegate. The largest kind of power will be attributed to legislature. The only prohibition is with reference to the provisions of the Constitution. The Constitution is the conclusive instrument by which powers are affirmatively created or negatively restricted. The only relevant test for the validity of a statute made under Article 245 is whether the legislation is within the scope of the affirmative grant of power or is forbidden by some provision of the Constitution.

To accept the basic features or basic structures theory with record to ordinary legislation would mean that there would be two kinds of limitations for legislative measures. One will pertain to legislative power under Articles 245 and 246 and the legislative entries and the provision in Article 13. The other would be that no legislation can be made as to damage or destroy basic features or basic structures. This will mean rewriting the Constitution and robbing the legislature of acting within the framework of the Constitution. No legislation can be free from challenge on this ground even though the legislative measure is within the plenary powers of the legislature.

The theory of implied limitations on the power of amendment of the Constitution has been rejected by seven Judges in *Kasavananda Bharati's* (1) case (supra). Our Constitution has not adopted the due process clause of the American Constitution. Reasonableness of legislative measures is unknown to our Constitution. The crucial point is that unlike the American Constitution where rights are couched in wide general terms leaving it to the Courts to evolve necessary limitations our Constitution has denied due process as a test of invalidity of law. In *A. K. Gopalan v. State of Madras* (27) 1950 S.C.R. 88 due process was rejected by clearly limiting

the rights acquired and by eliminating the indefinite due process. Our Constitution contemplates that considerations of justice or general welfare might require restriction on enjoyment of fundamental rights.

The theory of basic structures or basic features is an exercise in imponderables. Basic structures or basic features are indefinable. The legislative entries are the fields of legislation. The pith and substance doctrine has been applied in order to find out legislative competency, and eliminate encroachment on legislative entries. If the theory of basic structures or basic features will be applied to legislative measures it will denude Parliament and State Legislatures of the power of legislation and deprive them of laying down legislative policies. This will be encroachment on the separation of powers.

The constitutional validity of a statute depends entirely on the existence of the legislative power and the express provision in Article 13. Apart from the limitation the legislature is not subject to any other prohibition. The amendments made to the 1951 Act by the Amendment Acts, 1974 and 1975 are to give effect to certain views expressed by this Court in preference to certain views departed from or otherwise to clarify the original intention. It is within the powers of Parliament to frame laws with regard to elections. Parliament has power to enumerate and define election expenses. Parliament has power to lay down limits on election expenses. Parliament has power to state whether certain expenses can be included or may be excluded from election expenses. Parliament has power to adopt conclusive proof with regard to matters of appointment, resignation or termination of service. Parliament has power to state what can be considered to be office of profit. Parliament has power to state as to what will and what will not constitute corrupt practice. Parliament has power to enact what will be the ground for disqualification. Parliament has power to define "candidate". Parliament has power to state what symbols will be allotted to candidates at election. These are all legislative policies.

The conclusive evidence or conclusive proof clause is an accepted legislative measure. Similarly, giving retrospective effect to legislative amendment is accepted to be valid exercise of legislative power. The well-known pattern of all Validation Acts by which the basis of judgments or orders of competent Courts and Tribunals is changed and the judgments and orders are made ineffective is to be found in *M. P. V. Sundararamier & Co. v. The State of Andhra Pradesh & Anr.* (28) 1958 S.C.R. 1422. The power of the legislature to pass a law includes a power to pass it retrospectively. An important illustration with reference to retrospective legislation in regard to election is the decision of this Court. In *Kanta Kathuria's* (10) case (supra). Kanta Kathuria was disqualified by reason of holding an office of profit. First the Ordinance and later the Act was passed to nullify the decision of the High Court. The Ordinance as well as the Act stated that notwithstanding any judgment or order of any court or Tribunal, the officer shall not be disqualified or shall be deemed never to have disqualified the holders thereof as a member of the Legislative Assembly. The rendering of a judgment ineffective by changing the basis by legislative enactment is not encroachment on judicial power because the legislation is within the competence of the legislature.

A contention was advanced that the legislative measure could not remove the disqualification retrospectively, because the Constitution contemplate disqualification existing at certain time in accordance with law existing at that time. One of the views expressed in that case is that Article 191 recognises the power of the Legislature of the State to declare by law that the holder of the office shall not be disqualified for being chosen as a Member. Power is reserved to the Legislature of the State to make the declaration. There is nothing in the Article to indicate that this declaration cannot be made with retrospective effect. The Act was held not to be ineffective in its retrospective operation on the ground that it is well recognised that Parliament and State Legislatures can make their laws operate retrospectively. Any law that can be made prospectively can be made with retrospective operation. It is said that certain kinds of laws cannot operate retrospectively.

That is ex-post facto legislation. The present case does not fall within that category. Reference may be made to May's Parliamentary Practice 17th Ed. p. 515 where instances are given of validation of election by the British Parliament.

This Court in *Jumuna Prasad Mukharlya & Ors. v. Lachhi Ram & Ors.* (29) (1955) 1 S.C.R. 608 rejected the contention advanced there that sections 123(5) and 124(5) of the 1951 Act interfered with a citizen's fundamental right to freedom of speech. This Court said that these laws do not stop a man from speaking. They merely prescribe conditions which must be observed if one wants to enter Parliament. The right to stand as a candidate and to contest an election is not a common law right. It is a special right created by statute which can only be exercised on the conditions laid down by the statute. The Fundamental Rights Chapter has no bearing on a right like this created by a statute relating to Election.

The contention in behalf of the respondent that the amendment of the definition of "candidate" has damaged or destroyed basic structure is untenable. There is no basic structure or basic feature or basic framework with regard to the time when under the Election Laws a person is a candidate at the election. The contention of the respondent that the expression "returned candidate" is descriptive of the expression "candidate" will rob section 100 of its content. The word "candidate" in relation to various electoral offences shows that he must be a candidate at the time of the offence. Time is necessary for fixing the offences. A significant distinction arises between the electoral of census under the 1951 Act and the offences under sections 171-A to 171-I of the Indian Penal Code, namely, that the 1951 Act uses the word "candidate" or his election agent with reference to various offences, whereas the Indian Penal Code does not use the word "candidate" in relation to commission of any offence. Any person may fall within the offences of bribery, undue influence, personation at elections within the provisions of the Indian Penal Code or for false statement or illegal payments in connection with any election or failure to keep election accounts.

The English Representation of the People Act, 1949 called the English Act was relied on by the respondent to show that the word "candidate" in the 1951 Act should have the same meaning as in the English Act and there should be no limitation as to time in relation to a candidate. "Candidate" is defined in section 103 of the English Act in relation to parliamentary election to mean a person who is elected to serve in Parliament or a person who is nominated as a candidate at the election or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election, or after the dissolution or vacancy in consequence of which the writ was issued. The electoral offences under the English Act speak of a person to be guilty of corrupt practices of bribery as mentioned in section 99, of treating as mentioned in section 100 and of undue influence as mentioned in section 101 of the English Act. These sections in the English Act speak of a person and do not use the expression "candidate".

Where a candidate is elected the English definition gives no commencing date as from which his candidature has commenced; whereas, if he be not elected, he is not a candidate until he has been nominated, or is declared to be a candidate on or after the dissolution or vacancy. A candidate who is elected is accordingly a "candidate" as soon as he has entered upon his election campaign, and has made it known that he intends to present himself as a candidate at the ensuing election, he may thus become a candidate before the dissolution of Parliament, and may be unseated for bribery or treating committed months or even years before the vacancy or election, for such acts are offences at common law. With respect to illegal practices, which are purely statutory offences, it would seem that a narrower construction will prevail, and that a candidate will not be held responsible for payments etc., made before he is a candidate in point of fact, and which payments only become illegal practices by reason of his subsequently becoming a candidate (See Parker's Conduct of Parliamentary Elections 1970 Ed. pages 52-53).

It has been held in England that a candidate may be unseated for bribery or treating committed months, or even years before the vacancy or election (*Yonghal* (29) 1 Q.M. & H. 295; *Bodinin* (30) 5 O.M. & H. 230). The present position under the English Act is stated in Parker's Conduct of Parliamentary Elections 1970 Ed. at p. 330 to be that since the corrupt practice under consideration is purely a statutory offence, which only becomes a corrupt practice by reason of the person in whose support the prohibited expenses were incurred subsequently becoming a candidate, the candidate may not be held responsible. In *Norwich* (31) 54 L.L.

627 the question was considered in relation to the responsibility of a candidate for payments which only became illegal practices by reason of his subsequently becoming a "candidate" as defined by statute, and it was held that he was not liable. The liability of a candidate under the English Act, particularly, with regard to election expenses as laid down in section 63 of the English Act is regarded as open to doubt until the point is settled by the decision of an election court.

Sections 171-A to 171-I of the Indian Penal Code and the provisions contained in section 125 to 136 of the 1951 Act follow the pattern of English Acts, namely, Statutes 17 & 18 Victoria, Chapter CII (1853-54); Statutes 21 & 22 Victoria, Chapter LXXXVII (1858) and Statutes 46 and 47 Victoria Chapter LI (1882). These English Statutes make certain acts punishable as corrupt practice when they relate to persons other than candidates or voters. Section II of 17 & 18 Victoria Chapter CII enacts that the persons mentioned therein shall be deemed guilty of bribery and punishable in accordance with the provisions of the Act. The words used there are "every person" who shall do the acts mentioned therein shall be punishable. In these sections dealing with the acts of persons other than candidates and voters no time is mentioned. On the other hand, section IV of Statutes 17 & 18 Victoria Chapter CII makes certain acts of voters and candidates corrupt practice. Section IV of the aforesaid English Statute enacts that every candidate at an election who shall corruptly by himself, or by or with any person or by any other ways or means on his behalf, at any time, either before, during, or after any election, directly or indirectly give or provide, or cause to be given or provided any expenses incurred for any meat, drink, entertainment, etc. shall be deemed guilty of an offence of treating. In these sections when the acts of voters and candidates are made punishable the words used are "before or during any election, directly or indirectly or at any time either before, during or after any election" in Section IV of the Act. These words make acts of voters or candidates committed before or during an election also corrupt practice. Without these words acts of the candidate made punishable under the English Statutes would only be the acts committed by the candidate after he becomes a candidate.

The 1951 Act uses the expression "candidate" in relation to several offences for the purpose of affixing liability with reference to a person being a candidate. If no time be fixed with regard to a person being a candidate it can be said that from the moment a person is elected he can be said to hold himself out as a candidate for the next election. The definition in the English Act cannot be of any aid to the construction of the 1951 Act.

The contention of the respondent is that if a candidate is free to spend as much as a candidate likes before the date of nomination a great premium would be placed on free use of money before the date of nomination. The 1951 Act specifies what election expenses are of a candidate. The statute specifies time in regard to a candidate. That time cannot be enlarged or reduced. The holding out by a person of candidature was a flexible and elastic idea. The date of nomination is definite and doubtless. Different views may be taken as to the time of holding out. The legislature has now set the matter at rest.

The word "incur" according to the dictionary meaning means to become liable to. The word "incur" means undertake the liability even if the actual payment may not be made immediately. The undertaking of the responsibility for the expenditure concerned may be either by the candidate or his election agent. Again, a candidate is also to be deemed responsible for the expenditure if he has authorised a particular expenditure to be made by someone else on his behalf.

The contention on behalf of the respondent is that the Amendment Acts of 1974 and 1975 fall within the vice of delegated legislation because there are no guiding principles with regard to official duty or nature of expenditure in Explanation 3 to section 77 of the 1951 Act and in the proviso to section 123(7) of the 1951 Act. Official duty will be a duty in law. Official duty will be duty under administrative directions of the Executive. Official duty will be for security, law and order, and matters in aid of public purpose. These duties will be in connection with election. To illustrate, section 197 of the Criminal Procedure Code speaks of official duty.

This Court in *Matajog Dobey v. H. C. Bhark*⁽³²⁾ (1955) 2 S.C.R. 925 interpreted the words "official duty" to have reasonable connection between the act and the discharge of duty. The act must bear such relation to the duty that the person could lay a reasonable claim, but not a pretended fanciful claim, that he did it in the course of the performance of his duty. Where a power is conferred or a duty imposed by statute or otherwise, and there is nothing said expressly inhibiting the exercise of the power or the performance of the duty by any limitations or restrictions, it is reasonable to hold that it carries with it the power of doing all such acts or employing such means as are reasonably necessary for such execution, because it is a rule that when the law commands a thing to be done, it authorises the performance of whatever may be necessary for executing its command.

There is no vice of delegation in the Statutes. "Delegation" is not the complete handing over or transference of a power from one person or body of persons to another. Delegation may be defined as the entrusting, by a person or body of persons, of the exercise of a power residing in that person or body of persons to another person or body of persons, with complete power of revocation or amendment remaining in the grantor or delegator. It is important to grasp the implications of this, for, much confusion of thought has unfortunately resulted from assuming that delegation involves or may involve, the complete abdication or abrogation of a power. This is precluded by the definition. Delegation often involve the granting of discretionary authority to another, but such authority is purely derivative. The ultimate power always remains in the delegator and is never renounced". (See *Gwallor Rayon Silk Mfg. (Wvg.) Co. Ltd. v. The Assistant Commissioner of Sales Tax and Others* ⁽³³⁾ (1974) 4 S.C.R. 98 at p. 116.

The Constitution 29th Amendment Act was considered by this Court in *Kesavananda Bharati's* ⁽¹⁾ case (supra). The 29th Amendment Act inserted in the Ninth Schedule to the Constitution Entries 65 and 66 being the Kerala Land Reforms Act, 1969 and the Kerala Land Reforms Act, 1971. This Court unanimously upheld the validity of the 29th Amendment Act. The unanimous view of this Court in *Kesavananda Bharati's* ⁽¹⁾ case (supra) is that Article 31B is not open to challenge. Six Judges held that the 29th Amendment Act would be ineffective to protect the impugned Act if they took away the fundamental rights. Six Judges took the view that the 29th Amendment Act is valid and further that Article 31B has been held by this Court to be independent of Article 31A and that Article 31B protects Scheduled Acts and Regulations and none of the Scheduled Acts and Regulations is deemed to be void or ever to have become void on the ground of contravention of any fundamental rights. Article 31B gives a mandate and complete protection from the challenge of fundamental rights to the Scheduled Acts and Regulations. The view of seven Judges in *Kesavananda Bharati's* ⁽¹⁾ case is that Article 31B is a constitutional device to place the specified statutes in the Schedule beyond any attack that these infringe Part III of the Constitution. The 29th Amendment is affirmed in *Kesavananda Bharati's* case (supra) by majority of seven against six Judges.

The contentions of the respondent that the Amendment Acts of 1974 and 1975 are subject to basic features or basic structure or basic framework fails on two grounds. First, legislative measures are not subject to the theory of basic features or basic structures or basic framework. Second, the majority view in *Kesavananda Bharati's* ⁽¹⁾ case (supra) is that the 29th Amendment which put the two statutes in the Ninth Schedule and Article 31B is not open to challenge on the ground of either damage to or destruction of basic features, basic structure or basic framework or on the ground of violation of fundamental rights.

The symbol allotted to the party of the appellant was characterised by the respondent as a religious symbol. Under Article 324 the superintendence, direction and control of elections to Parliament, is vested in the Election Commission. Rule 5 of the Conduct of Elections Rules, 1961 states that the Election Commission shall, by notification in the Gazette of India and in the Official Gazette of each State, specify the symbols that may be chosen by candidates at elections in Parliamentary or Assembly constituencies and the restrictions to which their choice shall be subject. Rule 10(4) of the 1961 Rules aforesaid states that at an election in a Parliamentary or Assembly constituency, where a poll becomes necessary, the returning officer shall consider the choice of symbols, expressed by the contesting candidates in their nomination

apers and shall, subject to any general or special direction issued in this behalf by the Election Commission allot a different symbol to each contesting candidate in conformity, as far as practicable with his choice. It is, therefore, apparent that the power to specify permissible symbols is vested by Rule 7 in the Election Commission. The choice of candidates is limited to the symbol specified by the Election Commission. The Election Symbols (Reservation and Allotment) Order, 1968 was made in exercise of the power conferred by Article 328 of the Constitution read with Rule 5 and Rule 10 of the Conduct of Election Rules and all other powers enabling in his behalf.

Clause 17 of the Election Symbols (Reservation and Allotment) Order, 1968 provides that the Commission shall by notification in the Gazette of India publish lists specifying national parties and the symbols respectively reserved for them etc. There can, therefore, be no doubt that the power of evolving permissible symbols is exclusively vested in the Election Commission. It is under their direction that the Returning Officer has to make allotments and allotments are made in terms of Clauses 5, 6 and 8. Therefore, in the matter of evolving of the permissible symbols, the jurisdiction is vested in the Election Commission. If a candidate displays in addition to the allotted symbol an additional symbol which may have a special appeal on grounds of religion to a particular community, then the Court will be entitled to go into this question.

With regard to the symbol of cow and calf being a religious symbol it was said on behalf of the respondent that the Akhil Bhartiya Ram Rajya Parishad asked for cow, calf and milkmaid symbol and were refused. They were given the symbol of a "Rising Sun". It is impossible to hold that because one party has not been given the symbol of cow, calf and milkmaid, therefore, the symbol of cow and calf becomes a religious symbol. The High Court on the evidence adduced by the respondent rightly came to the conclusion that there was no evidence to prove that the cow and calf is a religious symbol. The High Court rightly held that cow and calf is not a religious symbol.

The finding of the High Court that the appellant held herself out to be a candidate from 29 December, 1970 is set aside because the law is that the appellant became a candidate only with effect from the date of nomination which was 1 February, 1971. The finding of the High Court that the resignation of Yashpal Kapur did not become effective until it was notified in the Gazette is also set aside because under the law the resignation became effective from 14 January, 1971. The finding of the High Court that the appellant committed corrupt practice in breach of section 123(7) of the 1951 Act is also repelled by the legislative changes and is, therefore, set aside. The order of disqualification of the appellant is also set aside.

For the foregoing reasons the contentions of the appellant succeed and the contentions of the respondent fail. The appeal is accepted. The judgment of the High Court appealed against is set aside. The cross objection of the respondent is dismissed. There will be no order as to costs.

Sd/-

A. N. RAY, C.J.

New Delhi,
7 November, 1975.

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 887 OF 1975**

Smt. Indira Nehru Gandhi	Appellant
VERSUS	
Shri Raj Narain & Anr.	Respondents
AND	
CIVIL APPEAL NO. 909 OF 1975	
Shri Raj Narain	Appellant
VERSUS	
Smt. Indira Nehru Gandhi & Anr.	Respondents

JUDGMENT

KHANNA, J.—Civil appeal No. 887 of 1975 has been filed by Smt. Indira Nehru Gandhi (hereinafter referred to as the appellant) against the judgment of the Allahabad High Court whereby election petition filed by Shri Raj Narain

respondent No. 1 (hereinafter referred to as the respondent) to question the election of the appellant to the Lok Sabha from Rae Bareilly Parliamentary constituency was allowed and the election of the appellant was declared void. The appellant was found guilty of having committed corrupt practices under section 123(7) of the Representation of the People Act, 1951 (hereinafter referred to as the RP Act) and as such was stated to be disqualified for a period of six years in accordance with section 8A of the RP Act. Cross appeal No. 909 of 1975 has been filed by Shri Raj Narain against the judgment of the High Court in so far as it decided certain issues against the respondent.

The President of India called upon different constituencies in the country to elect members to the Lok Sabha by notification dated January 27, 1971 under section 14(2) of the RP Act. Last date for filing nomination papers was fixed as February 3, 1971 for Rae Bareilly constituency by the Election Commission. The appellant filed her nomination paper on February 1, 1971. The appellant was for a number of years before the election Prime Minister of India and is since then continuing to hold that office. Yashpal Kapur, who was previously a gazetted officer in the Government of India holding the post of Officer on Special Duty in the Prime Minister's Secretariat and who subsequently submitted his resignation, was appointed the election agent of the appellant. The signed form about the appointment of Yashpal Kapur as election agent was submitted to the Returning Officer on February 4, 1971, the date of scrutiny. The date on which Yashpal Kapur submitted his resignation and the same became effective is, however, a matter of controversy between the parties. The appellant, who was a candidate of the Indian National Congress (R), was allotted the party symbol of cow and calf. Polling took place in the first week of March on March 1, March 3 and March 5, 1971. The appellant and the respondent were the principal contestants. There were two other candidates but we are not concerned with them. The result of the election was declared on March 10, 1971. The appellant got 1,83,309 votes, while the respondent secured 71,499 votes and the former was declared elected. The respondent thereafter filed election petition on April 24, 1971 to challenge the election of the appellant. Apart from some grounds which were not pressed, the election of the appellant was assailed on the following grounds :

- (1) The appellant held herself out as a prospective candidate from the Rae Bareilly constituency immediately after the dissolution of the Lok Sabha on December 27, 1970, and for furtherance of her election prospects, she obtained and procured the assistance of Yashpal Kapur who was at that time holding the post of Officer on Special Duty. The appellant thus committed corrupt practice under section 123(7) of the RP Act.
- (2) The appellant and her election agent procured the assistance of members of armed forces of the Union for furtherance of her election prospects inasmuch as the members of the armed forces arranged planes and helicopters of the Air Force at her instance for her flights to enable her to address meetings in her constituency. The appellant thereby committed corrupt practice under section 123(7) of the RP Act.
- (3) The appellant and her election agent obtained the assistance of a number of gazetted officers and members of the police force for the furtherance of her election prospects inasmuch as the services of the District Magistrate, Superintendent of Police, Rae Bareilly and the Home Secretary, Uttar Pradesh Government were utilised for the purposes of the construction of rostrums and installation of loudspeakers at various places within the constituency where the appellant addressed her election meetings as also for the purpose of making arrangements of barricading and posting of police personnel on the routes by which the appellant was to travel in her constituency and at the places where she was to address meetings, in order to give publicity to her visits and thus attract large crowds. The appellant was thereby stated to have committed corrupt practice under section 123(7) of the RP Act.
- (4) Yashpal Kapur, election agent of the appellant and her other agents with the consent of Yashpal Kapur, freely distributed quilts, blankets, dhotis and liquor among the voters to induce them to vote for her and thereby the appellant committed corrupt practice of bribery under section 123(1) of the RP Act.

- (5) The appellant and her election agent made extensive appeals to the religious symbol of cow and calf and thereby committed corrupt practice under section 123(3) of the RP Act.
- (6) Yashpal Kapur and some other persons with his consent hired and procured a number of vehicles for the free conveyance of electors to the polling stations and thereby committed corrupt practice under section 123(5) of the RP Act.
- (7) The appellant and her election agent incurred or authorised expenditure in contravention of section 77 of the RP Act and thereby committed corrupt practice under section 123(6) of the RP Act.

The appellant in her written statement denied the various allegations levelled against her and pleaded that Yashpal Kapur resigned from his post on January 13, 1971 and his resignation was accepted with effect from January 14, 1971. Notification dated January 25, 1971 was issued by the Prime Minister's Secretariat in that connection. It was added that P. N. Haksar, then Secretary to the Prime Minister, told Yashpal Kapur on the same day on which the resignation was tendered that it was accepted and that formal orders would follow. Yashpal Kapur became the election agent of the appellant on February 4, 1971. During the period he was a gazetted officer in the Government of India, he did not do any work in furtherance of the appellant's election prospects. Regarding the use of planes and helicopters of the Air Force, the appellant admitted that on February 1, 1971 she went by an Indian Air Force plane from Delhi to Lucknow from where she went by car to Rae Bareilly, addressing meetings enroute. It was further admitted that on February 24, 1971 the appellant went by helicopter of the Indian Air Force to Gonda on regular party work and that from there she went by car to Lucknow, Unnao and Rae Bareilly addressing public meetings in several constituencies besides her own. The appellant referred to the Pillai Committee Report and the Office Memoranda issued by the Government of India and asserted that the aforesaid flights were made by her in accordance with them. It was added that under the rules, bills for those flights were to be paid by the All India Congress Committee and most of them had already been paid. According to the appellant, neither she nor did her election agent solicit, require or order the use of Air Force planes and the Government of India provided the planes as part of their normal duty. The appellant denied having obtained the assistance of the District Magistrate and the Superintendent of Police Rae Bareilly as also that of the Home Secretary, UP Government for any of the purposes mentioned in the petition. The appellant in this context referred to the instructions issued by the Comptroller and Auditor General of India. She pleaded that arrangements for posting of police on the routes which she followed and the arrangements of rostrums were made by the State Government itself in compliance with those instructions. In regard to the loudspeakers, she pleaded that those were arranged by the District Congress Committee and not by the officers of the State Government. It was denied that any directions or instructions in that regard were issued by the appellant or her election agent. The allegations regarding the distribution of blankets, dhotis and liquor were stated to be absolutely false. As regards the symbol of cow and calf, the appellant stated that it was not religious symbol and that it was wrong that extensive appeals were made by her or her election agent to that symbol. The appellant added that she and her election agent merely informed the voters that the symbol of the Indian National Congress (R) was cow and calf and that the voting mark should be put against that symbol. The decision of the Election Commission allotting the symbol of cow and calf to her party was final and the same could not, according to the appellant, be made a ground of attack nor could the court go into that question. The allegation regarding hiring and procuring of vehicles and the use thereof for conveyance of the voters to the polling stations was described by the appellant as false. Likewise, she denied the allegation that she or her election agent incurred expenditure in excess of the prescribed limit.

Following issues were framed in the case :

- "(1) Whether respondent No. 1 obtained and procured the assistance of Yashpal Kapur in furtherance of the prospects of her election while he was still a Gazetted Officer in the service of Government of India ? If so, from what date ?

- (2) Whether at the instance of respondent No. 1 members of the Armed Forces of the Union arranged Air Force planes and helicopters for her, flown by members of the Armed Forces, to enable her to address election meetings on 1-2-1971 and 25-2-1971, and if so, whether this constituted a corrupt practice under section 123(7) of the Representation of the People Act ?
- (3) Whether at the instance of respondent No. 1 and her election agent Yashpal Kapur, the District Magistrate of Rae Bareilly, the Superintendent of Police of Rae Bareilly and the Home Secretary of U. P. Government arranged for rostrums, loudspeakers and barricades to be set up and for members of the Police Force to be posted in connection with her election tour on 1-2-1971 and 25-2-1971; and if so, whether this amounts to a corrupt practice under section 123(7) of the Representation of the People Act ?
- (4) Whether quilts, blankets, dhotis and liquor were distributed by agents and workers of respondent No. 1, with the consent of her election agent Yashpal Kapur, at the places and on the dates mentioned in Schedule A of the Petition are too vague and general to vote for her ?
- (5) Whether the particulars given in paragraph 10 and Schedule A of the Petition are too vague and general to afford a basis for allegations of bribery under section 123(1) of the Representation of the People Act ?
- (6) Whether by using the symbol cow and calf, which had been allotted to her party by the Election Commission in her election campaign the respondent No. 1 was guilty of making an appeal to a religious symbol and committed a corrupt practice as defined in section 123(3) of the Representation of the People Act ?
- (7) Whether on the dates fixed for the poll voters were conveyed to the polling stations free of charge on vehicles hired and procured for the purpose by respondent No. 1's election agent Yashpal Kapur, or other persons with his consent, as detailed in Schedule B to the Petition ?
- (8) Whether the particulars given in paragraph 12 and Schedule B of the Petition are too vague and general to form a basis for allegations regarding a corrupt practice under section 123(5) of the Representation of the People Act ?
- (9) Whether respondent No. 1 and her election agent Yashpal Kapur incurred or authorised expenditure in excess of the amount prescribed by section 77 of the Representation of the People Act, read with rule 90, as detailed in para 13 of the Petition ?
- (10) Whether the petitioner had made a security deposit in accordance with the rules of the High Court as required by section 117 of the Representation of the People Act ?
- (11) To what relief, if any, is the petitioner entitled?"

Subsequent to the framing of the above issues, the following three additional issues were framed in pursuance of the judgment of this Court in an appeal against an interlocutory order of the High Court :

- "(1) Whether respondent No. 1 obtained and procured the assistance of Yashpal Kapur in furtherance of the prospects of her election while he was still a Gazetted Officer in the service of the Government of India ? If so, from what date ?
- (2) Whether respondent No. 1 held herself out as a candidate from any date prior to 1-2-1971 and, if so, from what date ?
- (3) Whether Yashpal Kapur continued to be in the service of Government of India from and after 14-1-1971 or till which date ?"

During the pendency of the election petition in the High Court, section 77 of the RP Act was amended by an Ordinance which was subsequently replaced by Act 58 of 1974 (hereinafter referred to as the 1974 amending Act or Act 58 of 1974). The said amending Act inserted two explanations at the end of sub-section (1) of section 77 of the RP Act. The material part of the explanations reads as under :

"Explanation 1.—Notwithstanding any judgment, order or decision of any court to the contrary, any expenditure incurred or authorized in connection with the

election of a candidate by a political party or by any other association or body of persons or by any individual (other than the candidate or his election agent) shall not be deemed to be, and shall not ever be deemed to have been, expenditure in connection with the election incurred or authorized by the candidate or by his election agent for the purposes of this sub-section:

Provided.....

Explanation 2.—For the purposes of *Explanation 1*, 'political party' shall have the same meaning as in the Election Symbols (Reservation and Allotment) Order, 1968 as for the time being in force."

The above amendment in section 77 had a bearing on the allegation which was the subject-matter of issue No. 9. The respondent filed writ petition challenging the validity of the amending Act.

The High Court decided issues 2, 4, 6 and 7 in favour of the appellant and against the respondent. Issues 5, 8 and 10 were found in favour of the respondent and against the appellant. On issue No. 9 the finding of the High Court was that the total amount of expenditure incurred or authorized by the appellant or her election agent, together with the expenditure proved to have been incurred by the party or by the State Government in connection with the appellant's election amounted to Rs. 31,976.47 which was sufficiently below the prescribed limit of Rs. 35,000. The appellant as such was held not guilty of any corrupt practice under section 123(6) of the RP Act. As the respondent was found to have failed to prove that the expenses of the appellant or her election agent, together with the expenses found to have been incurred by the political party and the State Government in connection with the appellant's election exceeded the prescribed limit, the High Court held that no ground had been made out for inquiring into the validity of the 1974 amending Act. The writ petition filed by the respondent was accordingly dismissed.

On additional issue No. 2, the finding of the High Court was that the appellant held herself out as a candidate from the Rae Bareilly Parliamentary constituency on December 29, 1970. Issue No. 3 was decided by the High Court against the appellant. It was held that the appellant obtained the assistance of the officers of the UP Government, particularly the District Magistrate, Superintendent of Police, the Executive Engineer PWD and the Engineer Hydrel Department for construction of rostrums and arrangement of supply of power for loudspeakers in the meetings addressed by her on February 1, 1971 and February 25, 1971 in furtherance of her election prospects. The appellant, as such, was found guilty of corrupt practice under section 123(7) of the RP Act. On additional issue No. 3, the High Court found that Yashpal Kapur continued to be in the service of the Government of India till January 25, 1971, which was the date of the notification regarding the acceptance of Yashpal Kapur's resignation. The High Court referred to the fact that according to the notification resignation of Yashpal Kapur had been accepted with effect from January 14, 1971 and observed that the order accepting the resignation was passed on January 25, 1971 and till that order was passed, the status of Yashpal Kapur continued to remain that of a Government servant despite the fact that when that order was passed it was given retrospective effect so as to be valid from January 14, 1971. As regards issue No. 1 and additional issue No. 1, the High Court held that the appellant obtained and procured the assistance of Yashpal Kapur during the period from January 7 to 24, 1971 when Yashpal Kapur was still a gazetted officer in the service of the Government of India in the furtherance of her election prospects.

As a result of its finding on issue No. 3, issue No. 1 read with additional issue No. 1, additional issue No. 2 and additional issue No. 3, the High Court allowed the petition and declared the election of the appellant to the Lok Sabha to be void. The appellant was found guilty of having committed corrupt practice under section 123(7) of the RP Act by having obtained the assistance of gazetted officers of the UP Government, viz., the District Magistrate and the Superintendent of Police Rae Bareilly, the Executive Engineer PWD Rae Bareilly and Engineer Hydrel Department Rae Bareilly in furtherance of her election prospects. The appellant was further found guilty of having committed another corrupt practice under section 123(7) of the RP Act by having ob-

tained the assistance of Yashpal Kapur, a gazetted officer in the Government of India holding the post of officer on Special Duty in Prime Minister's Secretariat, for the furtherance of her election prospects. The appellant, it was accordingly observed, stands disqualified for a period of six years from the date of the order in accordance with section 8A of the RP Act. The writ petition, as mentioned earlier, was dismissed.

An appeal against the judgement of the learned single Judge of the High Court dismissing the writ petition is pending before the High Court.

During the pendency of these appeals, Parliament passed the Election Laws (Amendment) Act, 1975 (Act 40 of 1975) (hereinafter referred to as 1975 amending Act or Act 40 of 1975) and the same was published in the Gazette of India Extraordinary dated August 6, 1975. Section 2 of the 1975 amending Act substituted a new section for section 8A in the Act. According to the new section, the case of every person found guilty of a corrupt practice by an order under section 99 shall be submitted as soon as may be, after such order takes effect to the President for determination of the question as to whether such person shall be disqualified and if so, for what period, not exceeding six years. It is also provided that the person who stands disqualified may before the expiry of the period of disqualification submit a petition to the President for the removal of such disqualification for the unexpired portion of the said period. The President shall then give his decision on such petition after obtaining the opinion of the Election Commission and in accordance with such opinion. Sections 3, 4 and 5 of the 1975 amending Act deal with other consequential matters relating to disqualification, and it is not necessary for the purpose of the present case to go into them. Sections 6 and 7 amended sections 77 and 79 of the RP Act and we shall refer to them presently. Same is the position of section 8 of the amending Act which introduced changes in section 123 of the RP Act. Section 9 amended section 171A of the Indian Penal Code. Section 10 gives retrospective effect to sections 6, 7 and 8. Sections 6, 7, 8, 9 and 10 of Act 40 of 1975 read as under :

"6. In section 77 of the principal Act, in sub-section (1),—

(a) for the words 'the date of publication of the notification calling the election', the words 'the date on which he has been nominated' shall be substituted;

(b) after **Explanation 2**, the following **Explanation** shall be inserted, namely :—

'Explanation 3.—For the removal of doubt, it is hereby declared that any expenditure in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.'

7. In section 79 of the principal Act, for clause (b), the following clause shall be substituted, namely:—

'(b) 'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election.'

8. In section 123 of the principal Act,—

(a) in clause (3), the following proviso shall be inserted at the end, namely:—

'Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.'

(b) in clause (7), the following proviso shall be inserted at the end, namely:—

Provided that where any person, in the service of the Government and belonging to any of the classes

aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent, (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

(c) in the *Explanation* at the end, the following shall be added, namely:—

“(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof—

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and

(ii) where the date of taking effect of such appointment, resignation, termination of service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service, such person ceased to be in such service with effect from the said date.”

9. In the Indian Penal Code, in section 171A, for clause

(a), the following clause shall be substituted, namely:—

“(a) ‘candidate’ means a person who has been nominated as a candidate at any election.”

10. The amendments made by sections 6, 7 and 8 of this Act in the principal Act shall also have retrospective operation so as to apply to and in relation to any election held before the commencement of this Act to either House of Parliament or to either House or the House of the Legislature of a State—

(i) in respect of which any election petition may be presented after the commencement of this Act; or

(ii) in respect of which any election petition is pending in any High Court immediately before such commencement; or

(iii) in respect of which any election petition has been decided by any High Court before such commencement but no appeal has been preferred to the Supreme Court against the decision of the High Court before such commencement and the period of limitation for filing such appeal has not expired before such commencement; or

(iv) in respect of which appeal from any order of any High Court made in any election petition under section 98 or section 99 of the principal Act is pending before the Supreme Court immediately before such commencement.”

It is submitted by Mr. Shanti Bhushan on behalf of the respondent that the amendments made in the RP Act have an impact upon five out of the seven grounds which were set up by the respondent to assail the election of the appellant.

On August 10, 1975 the Constitution (Thirty-ninth Amendment) Act, 1975 was published. A number of constitutional changes were made by the Constitution Amendment Act. We are, however, concerned with section 4 of the Constitutional Amendment Act which inserted article 329A in the Constitution after article 329. Article 329A reads as under:

“329A. Special provision as to elections to Parliament in the case of Prime Minister and Speaker.—
(1) Subject to the provisions of Chapter II of Part V [Expect sub-clause (e) of clause (1) of article 102], no election—

(a) to either House of Parliament of a person who holds the office of Prime Minister at the time of such election or is appointed as Prime Minister after such election;

(b) to the House of the People of a person who holds the office of Speaker of that House at the time of such election or who is chosen as the Speaker for that House after election; shall be called in question, except before such authority (not being any such authority as is referred to in clause (b) of article 329) or body and in such manner as may be provided for by or under any law made by Parliament and any such law may provide for all other matters relating to doubts and disputes in relation to such election including the grounds on which such election may be questioned.

(2) The validity of any such law as is referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court.

(3) Where any person is appointed as Prime Minister or, as the case may be, chosen to the office of the Speaker of the House of the People, while an election petition referred to in clause (b) of article 329 in respect of his election to either House of Parliament or, as the case may be, to the House of the People is pending, such election petition shall abate upon such person being appointed as Prime Minister or, as the case may be, being chosen to the office of the Speaker of the House of the People, but such election may be called in question under any such law as is referred to in clause (1).

(4) No law made by Parliament before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, in so far as it relates to election petitions and matters connected therewith, shall apply or shall be deemed ever to have applied to or in relation to the election of any such person as is referred to in clause (1) to either House of Parliament and such election shall not be deemed to be void or ever to have become void on any ground on which such election could be declared to be void or has, before such commencement, been declared to be void under any such law and notwithstanding any order made by any court, before such commencement, declaring such election to be void, such election shall continue to be valid in all respects and any such order and any finding on which such order is based shall be and shall be deemed always to have been void and of no effect.

(5) Any appeal or cross appeal against any such order of any court as is referred to in clause (4) pending immediately before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, before the Supreme Court shall be disposed of in conformity with the provisions of clause (4).

(6) The provisions of this article shall have effect notwithstanding anything contained in this Constitution.”

Section 5 of the above Constitution Amendment Act inserted in the Ninth Schedule to the Constitution a number of enactments including the R.P. Act as also Acts 58 of 1974 and 40 of 1975.

At the hearing of the appeal Mr. Sen on behalf of the appellant has relied upon clause (4) of the new article 329A and has contended that clause clearly applies to the present case. It is urged that in view of that clause no law made by Parliament before the coming into force of the Constitution (Thirty-ninth Amendment) Act, 1975, i.e., before August 10, 1975, in so far as it relates to the election petitions and

matters connected therewith shall apply or shall be deemed ever to have applied to or in relation to the election to the Lok Sabha of the appellant who being Prime Minister is one of the persons referred to in clause (1) of that article. It is further submitted that in view of that clause, the election of the appellant shall not be deemed to be void or ever to have become void on any ground on which such election could be declared to be void or has before such commencement been declared to be void under any such law. Mr. Sen also adds that notwithstanding the order made by the High Court before such commencement declaring the election of the appellant to be void, her election shall continue to be valid in all respects and any such order and any finding on which such order is based shall be and shall be deemed always to have been void and of no effect. Submission is consequently made that in view of the mandate contained in clause (5) of the article, the appeal filed by the appellant and the cross appeal filed by the respondent should be disposed of in conformity with the provisions of clause (4).

In reply Mr. Shanti Bhushan on behalf of the respondent has not controverted, and in our opinion rightly, the stand taken by Mr. Sen that clause (4) of the article applies to the facts of the present case. He, however, contends that section 4 of the Constitution Amendment Act which has inserted article 329A in the Constitution is invalid. The validity of the above constitutional amendment has been challenged by Mr. Shanti Bhushan on the following two grounds:

(1) The above constitutional amendment affects the basic structure or framework of the Constitution and is, therefore, beyond the amending power under article 368.

(2) The Constitution Amendment Act was passed in a Session of Parliament after some members of Parliament had been unconstitutionally detained and thus illegally prevented from influencing the views of other members present at the time the above Act was passed. This ground, it is urged, also affects the validity of the amending Act 40 of 1975.

Article 329A deals with election to either House of Parliament of a person who holds the office of Prime Minister at the time of such election or is appointed as Prime Minister after such election and to the House of the People of a person who holds the office of Speaker of that House at the time of such election or who is chosen as the Speaker for that House after such election. According to clause (1) of article 329A, no election of persons mentioned above shall be called in question, except before such authority or body and in such manner as may be provided for by under any law made by Parliament. It is made clear that the authority before which such election shall be called in question would not be the one as is referred to in clause (b) of article 329. The law to be made by Parliament under clause (1) may provide for all other matters relating to doubts and disputes in relation to such election including the grounds on which such election may be questioned. The above law shall be subject to the provisions of clause (1) of article 102 except sub-clause (e). The law made under clause (1) cannot, therefore, remove the disqualification for being chosen a member of either House of Parliament because of that person holding an office of profit or because of his unsoundness of mind or because of his being an undischarged insolvent or because of his being not a citizen of India, or because of his having voluntarily acquired the citizenship of a foreign State, or because of his being under any acknowledgment of allegiance or adherence to a foreign State, as contemplated by sub-clauses (a) to (d) of clause (1) of article 102 of the Constitution. The law made under clause (1) of article 329A would not, however, be subject to clause (e) of clause (1) of article 102, according to which a person shall be disqualified for being chosen as and for being, a member of either House of Parliament if he is so disqualified by or under any law made by Parliament. According to clause (2) of article 329A, the validity of a law referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court. Clause (3) provides for the abatement of an election petition which is pending in respect of the election of any person who is appointed as Prime Minister or chosen as Speaker of the House of the People during the pendency of the petition. It is further provided that the election of such person can be called in question under any such law as is referred to in clause (1) of article 329A. Clause (4)

is the crucial clause for the present case. According to this clause, no law made by Parliament before the commencement of the Constitution (Thirty-ninth Amendment) Act in so far as it relates to election petitions and matters connected therewith, shall apply or shall be deemed ever to have applied to or in relation to the election of any of the persons mentioned above to either House of Parliament. The remaining part of the clause deals with some further matters. It is provided in clause (4) that the election of the aforesaid persons shall not be deemed to be void or ever to have become void on any ground on which such election could be declared to be void or has, before such commencement, been declared to be void under any such law. It is further provided that notwithstanding any order made by any court before the commencement of the Constitution (Thirty-ninth Amendment) Act declaring such election to be void, such election shall continue to be valid in all respects and any such order and any finding on which such order is based shall be and shall be deemed always to have been to have been void and of no effect. According to clause (5), any appeal or cross appeal against any such order as is referred to in clause (4) pending immediately before the commencement of the Constitution (Thirty-ninth Amendment) Act, before the Supreme Court shall be disposed of in conformity with the provisions of clause (4). Clause (6) states that the provisions of article 329A shall take effect notwithstanding anything contained in the Constitution.

The proposition that the power of amendment under article 368 does not enable Parliament to alter the basic structure or framework of the Constitution was laid down by this Court by a majority of 7 to 6 in the case of *His Holiness Kesavananda Bharati v. State of Kerala*¹. Apart from other reasons which were given in some of the judgments of the learned Judges who constituted the majority, the majority dealt with the connotation of the word "amendment". It was held that the words "amendment of the Constitution" in article 368 could not have the effect of destroying or abrogating the basic structure of the Constitution. Some of us who were parties to that case took a different view and came to the conclusion that the words "amendment of the Constitution" in article 368 did not admit of any limitation. Those of us who were in the minority in *Kesavananda's* case (supra) may still hold the same view as was given expression to in that case. For the purpose of the present case, we shall to proceed in accordance with the law as laid down by the majority in that case.

Before dealing with the question as to whether the impugned amendment affects the basic structure of the Constitution, I may make it clear that this Court is not concerned with the wisdom behind or the propriety of the impugned constitutional amendment. These are matters essentially for those who are vested with the authority to make the constitutional amendment. All that this Court is concerned with is the constitutional validity of the impugned amendment.

I may first deal with the second contention advanced by Mr. Shanti Bhushan. According to him, the impugned constitutional amendment and the amending Act of 1975 were passed in sessions of Parliament wherein some members, including the respondent, could not be present because they had been illegally detained. The fact that those measures were passed by the requisite majority has not been questioned by the learned counsel but he submits that if the above mentioned members had not been detained and had not been prevented from attending the sittings of Parliament, they could have influenced the other members and as such it is possible that the impugned Constitution Amendment Act and the 1975 RP amending Act might not have been passed. Mr. Shanti Bhushan accordingly asserts that the sittings of the Houses of Parliament in which the above mentioned two measures were passed were not legal sittings. Any measure passed in such sittings, according to the learned counsel, cannot be considered to be a valid piece of constitutional amendment or statutory amendment.

There is, in my opinion, no force in the above submission. The proposition that a member of Parliament cannot claim immunity from being detained under a law relating to preventive detention does not now admit of much doubt. The privileges, powers and the immunities of the

members of the two Houses of Indian Parliament as well as of the Indian legislatures are the same as those of the members of the House of Commons as they existed at the time of the commencement of the Constitution. The position about the privileges of the members of the House of Commons as it obtained in the United Kingdom at the relevant time has been stated in Erskine May's Parliamentary Practice, 18th Ed. (p. 100) as under:

"The privilege of freedom from arrest is limited to civil causes, and has not been allowed to interfere with the administration of criminal justice or emergency legislation."

The above observations were relied upon by this Court in the case of **K. Anandan Namblar & Anr. v. Chief Secretary, Government of Madras & Ors.**² The petitioners in that case were members of Parliament. They were detained by orders passed by the State Government under rule 30(1)(b) of the Defence of India Rules, 1962. They challenged the validity of the orders of detention, *inter alia*, on the ground that rule 30(1)(b) was invalid because a legislator cannot be detained so as to prevent him from exercising his constitutional rights as legislator while the legislative chamber to which he belongs is in session. This Court rejected that contention and held that the true constitutional position is that so far as a valid order of detention is concerned, a member of Parliament can claim no special status higher than that of an ordinary citizen and that he is as much liable to be arrested and detained under it as any other citizen. It was also held that if an order of detention validly prevents a member from attending a session of Parliament, no occasion would arise for the exercise by him of the right of freedom of speech.

Question as to whether a member of Parliament has been validly detained under a law relating to preventive detention can, in my opinion, be appropriately gone into in proceedings for a writ of *habeas corpus*. Such question cannot be collaterally raised in proceedings like the present wherein the court is concerned with the validity of a Constitution Amendment Act and an Act to amend the Representation of the People Act. In deciding a case before it the court should decide matters which arise directly in the case. A court should resist the attempt of a party to induce it to decide a matter which though canvassed during arguments is only incidental and collateral and can appropriately be dealt with in separate proceedings.

The contention advanced by Mr. Shanti Bhushan that the sittings of the two Houses of Parliament in which the impugned Acts were passed were not valid essentially relates to the validity of the proceedings of the two Houses of Parliament. These are matters which are not justiciable and pertain to the internal domain of the two Houses. Of course, the courts can go into the question as to whether the measures passed by Parliament are constitutionally valid. The court cannot, however, go into the question as to whether the sittings of the Houses of Parliament were not constitutionally valid because some members of those Houses were prevented from attending and participating in the discussions in those Houses. It has not been disputed before us, as already mentioned, that the impugned Constitution Amendment Act and the statutory amendment Act were passed by the requisite majority. It is not the case of the respondent that the number of the detained members of Parliament was so large, that if they had voted against the impugned measures, the measures would not have been passed. Indeed, according to the affidavit filed during the course of arguments, the number of members of the Lok Sabha who were detained was 21 and of the Rajya Sabha the number was 10. An amendment of the Constitution under article 368, it is noteworthy, has apart from the requirement in certain cases of ratification by the State legislatures, to be passed in each House of Parliament by majority of the total membership of that House and by a majority of two-thirds of the members of that House present and voting. According to clause (1) of article 100 of the Constitution, save as otherwise provided in this Constitution, all questions at any sitting of either House or joint sitting of the Houses shall be determined by a majority of votes of the members present and voting, other than the Speaker or person acting as Chairman or Speaker. The Chairman or Speaker, or person acting as such, shall not vote in the first instance, but shall have and exercise a cast-

ing vote in the case of an equality of votes. Clause (2) of that article provides that either House of Parliament shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in Parliament shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings. Further, it is provided in clause (1) of article 122 that the validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure. All this would show that the framers of the Constitution were anxious to ensure that the procedural irregularities and other grounds like those mentioned in clause (2) of article 100 should not vitiate the validity or proceedings of Parliament and that it would not be permissible to call in question those proceedings on such grounds. The observations on page 456 in the case of **Special Reference No. 1 of 1964**³ that if the impugned proceedings of a legislature are illegal and unconstitutional and not merely irregular the same can be scrutinised in a court of law do not, in my opinion, warrant the inference that a court can hold the proceedings of a legislature to be not valid and constitutional by going into the question as to whether the detention of any member who was prevented from being present in the sitting of the legislature on account of his detention was or was not in accordance with law. The acceptance of the above submission of Mr. Shanti Bhushan would necessarily result in a situation that whenever a law is made by Parliament, it would be open to a person affected by that law to question the validity of that law by asking the court to examine the validity of detention of each of the members of Parliament who were under detention at the time the said law was passed even though those members do not themselves assail the validity of their detention. It is plain that it would not be possible for the court in such collateral proceedings to record a finding about the validity of the detention of the members because the full material having a bearing on the validity of the detention would normally be, apart from the authority passing the order for detention, only with the person ordered to be detained or his friends and relatives. It would plainly be hazardous to record a finding without such material and a court of law, in my opinion, should decline to record such a finding in collateral proceedings. Till such time as a finding is recorded in appropriate proceedings about the validity of the detention of the members of Parliament, the court would have to proceed upon the assumption that the detention has not been shown to be invalid.

According to clause (3) of article 105 of the Constitution, to which a short reference has been made earlier, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committee at the commencement of this Constitution. No law contemplated by clause (3) has been made by the Parliament in India and as such we have to find out the powers, privileges and immunities of the House of Commons in the United Kingdom at the relevant time. In the case of **Bradlaugh v. Gossett**⁴ the plaintiff having been returned as member for the borough of Northampton, required the Speaker of the House of Commons to call him to the table for the purpose of taking oath. In consequence of something which had transpired on a former occasion the Speaker declined to do so. The House of Commons then upon motion resolved "that the Serjeant-at-Arms do exclude Mr. Bradlaugh (the plaintiff) from the House until he shall engage not further to disturb the proceedings of the House." In an action against the Serjeant-at-Arms praying for an injunction to restrain him from carrying out the resolution, the court held that this being a matter relating to the internal management of the procedure of the House of Commons, the court had no power to interfere. Dealing with the rights to be exercised within the walls of the House, Stephen J. observed that those rights must be dependent upon the resolutions of the House. He also added that there was no appeal from the decision of the House of Commons. Stephen J. in the course of the judgment also observed:

"...for the purpose of determining on a right to be exercised within the House itself, and in particular the right of sitting and voting, the House and the House alone could interpret the statute but...as regarded rights to be exercised out of and independently of the House, such as the right of suing for a penalty for having sat and voted, the statute must be interpreted by this Court independently of the House."

The above passage has been cited on page 83 in Erskine May's Parliamentary Practice, 18th Ed. with a view to show that it is a right of each House of Parliament to be the sole judge of the lawfulness of its own proceedings. It would follow from the above that the courts cannot go into the lawfulness of the proceedings of the House of Parliament.

The act of detaining a person is normally that of an outside agency and not that of the House of Parliament. It would certainly look anomalous if the act of an outside agency which might ultimately turn out to be not legal could affect the validity of the proceedings of the House of Parliament or could prevent that House assembling and functioning.

The matter can also be looked at from another angle. Gazette copies of the Election Laws Amendment Act, 1975 (Act 40 of 1975) and the Constitution (Thirty-ninth Amendment) Act, 1975 have been produced before us. In the face of the publication in the Gazette of the above mentioned two Acts this Court must assume that those two Acts were duly passed. It may be pertinent in this context to refer to the position in the United States where it was laid down in the case of *Marshall Field & Co. v. John M. Clark*⁵ as under:

"The signing by the Speaker of the House of Representatives, and by the President of the Senate, in open session, of an enrolled bill, is an official attestation by the two houses that such bill has passed Congress, and when the bill, thus attested receives the approval of the President, and is deposited in the public archives, its authentication as a bill that has passed Congress is complete and unimpeachable. An enrolled Act thus authenticated is sufficient evidence of itself that it passed Congress."

In the case of a constitutional amendment which requires ratification by the States, the position was stated by Brandeis J. in the case of *Oscar Leser v. J. Mercer Garnett*,⁶ as follows:—

"The proclamation by the Secretary certified that, from official documents on file in the Department of State, it appeared that the proposed Amendment was ratified by the legislatures of thirty-six states, and that it 'has become valid to all intents and purposes as a part of the Constitution of the United States.' As the legislatures of Tennessee and of West Virginia had power to adopt the resolutions of ratification, official notice to the Secretary, duly authenticated that they had done so, was conclusive upon him, and, being certified to by his proclamation, is conclusive upon the courts."

I am, therefore, of the view that the constitutional validity of the Constitutional Amendment Act and the 1975 Act amending the Representation of the People Act cannot be assailed on the ground that some members of Parliament were prevented because of their detention from attending and participating in the proceedings of the respective Houses of Parliament.

We may now deal with clause (4) of article 329A which has been added by the Constitution (Thirty-ninth Amendment) Act, 1975. It is necessary to clarify at the outset that we are concerned in the present case only with the constitutional validity of clause (4) and not with that of the other clause of that article. I, therefore, express no opinion about the validity of the other clauses of article 329A. Clause (4) consists of four parts:

(i) no law made by Parliament before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975 in so far as it relates to the election petitions and matters connected therewith shall apply or shall be deemed ever to have applied to or in relation to the election of any such person as is referred to in clause (1) to either House of Parliament;

(ii) and such election shall not be deemed to be void or ever to have become void on any ground on which such election could be declared to be void or has before such commencement been declared to be void under any such law;

(iii) and notwithstanding any order made by any court before such commencement declaring such election to be void, such election shall continue to be valid in all respects;

(iv) and any such order and any finding on which such order is based shall be and shall be deemed always to have been void and of no effect.

In so far as part (i) is concerned, I find that it relates to a matter which can be the subject of an ordinary legislation or a constitutional amendment. According to this part, no law made by Parliament before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975 in so far as it relates to the election petitions and matters connected therewith shall apply and shall be deemed ever to have applied to or in relation to the election of any such person as is referred to in clause (1) to either House of Parliament. A law in the above terms can validly be made by a legislature as well as by a constituent authority. The fact that the above law would have retrospective effect would not detract from the competence of the legislature or constituent authority to make such a law. It is well-settled that it is permissible for a legislature to make a law with retrospective effect. The power of a legislature to make a law with retrospective effect is not curtailed or circumscribed by the fact that the subject matter of such retrospective law is a matter relating to an election dispute (see *State of Orissa v. Bhupendra Kumar Bose*⁷ and *Kanta Kathuria v. Manak Chand Surana*⁸). Detailed reference to these cases would be made at the appropriate stage subsequently. If a legislature can pass legislation in respect of matters relating to an election dispute with a retrospective effect, the constituent authority, which is a kind of super-legislature, would a fortiori be entitled to do so.

Part (ii) of clause (4) spells out the consequence which flows from part (i) of the clause. If the previous law in so far as it relates to the election petitions and matters connected therewith was not to apply to the election of the Prime Minister and the Speaker, it would necessarily follow that the election of the appellant who was the Prime Minister would not be deemed to be void or ever to have become void on the ground on which such election could be declared to be void or has before such commencement been declared to be void under any such law.

The same to some extent, appears to be true of part (iv) of clause (4). If the previous law in so far as it relates to the election petitions and matters connected therewith was not to apply to the election of the appellant, the High Court shall be deemed to have had no jurisdiction to decide the election petition challenging the election of the appellant. The effect of part (i) of clause (4) is that High Court was divested of the jurisdiction to decide the dispute relating to the election of the appellant with a retrospective effect. The law under which the election of the appellant was declared to be void as a result of the amendment was also made inapplicable with retrospective effect to the dispute relating to the election of the appellant. The resultant effect of the amendment thus was that the order by which the election of the appellant was declared to be void and the finding on which such order was based were rendered to be void and of no effect.

Another aspect of part (iv) of clause (4) relates to the question as to whether it is open to the constituent authority to declare an order and a finding of the High Court

(⁵) 143 US 649

(⁶) 66 L. Ed. 505

(⁷) (1962) Supp. 2 380.

(⁸) (1970) 2 SCR 835

to be void and of no effect or whether such a declaration can be made only either in separate judicial proceedings or in proceedings before a higher court.

A declaration that an order made by a court of law is void is normally part of the judicial function and is not a legislative function. Although there is in the Constitution of India no rigid separation of powers, by and large the spheres of judicial function and legislative function have been demarcated and it is not permissible for the legislature to encroach upon the judicial sphere. It has accordingly been held that a legislature while it is entitled to change with retrospective effect the law which formed the basis of the judicial decision, it is not permissible to the legislature to declare the judgment of the court to be void or not binding (see *Shri Prithvi Cotton Mills Ltd. & Anr. v. Broach Borough Municipality & Ors.* ⁽⁹⁾, *Janapada Sabha, Chhindwara etc. v. The Central Provinces Syndicate Ltd. & Anr. etc.* ⁽¹⁰⁾, *Municipal Corporation of the City of Ahmedabad etc. v. New Shorock Spg. & Wvg. Co. Ltd. etc.* ⁽¹¹⁾ and *State of Tamil Nadu & Anr. v. M. Rayappa Gounder* ⁽¹²⁾).

The position as it prevails in the United States, where guarantee of due process of law is in operation, is given on pages 318-19 of Vol. 46 of the American Jurisprudence 2d as under :

"The general rule is that the legislature may not destroy, annul, set aside, vacate, reverse, modify, or impair the final judgment of a court of competent jurisdiction, so as to take away private rights which have become vested by the judgment. A statute attempting to do so has been held unconstitutional as an attempt on the part of the legislature to exercise judicial power, and as a violation of the constitutional guarantee of due process of law. The legislature is not only prohibited from reopening cases previously decided by the courts, but is also forbidden to affect the inherent attributes of a judgment. That the statute is under the guise of an act affecting remedies does not alter the rule. It is worthy of notice, however, that there are cases in which judgments requiring acts to be done in the future may validly be affected by subsequent legislation making illegal that which the judgment found to be legal, or making legal that which the judgment found to be illegal.

10. — Judgment as to public right.

With respect to legislative interference with a judgment, a distinction has been made between public and private rights under which distinction a statute may be valid even though it renders ineffective a judgment concerning a public right. Even after a public right has been established by the judgment of the court, it may be annulled by subsequent legislation."

Question arises whether the above limitation imposed upon the legislature about its competence to declare a judgment of the court to be void would also operate upon the constituent authority?

View has been canvassed before us that the answer to the above question should be in the negative. Although normally a declaration that the judgment of a court is void can be made either in separate proceedings or in proceedings before the higher court, there is according to this view no bar to the constituent authority making a declaration if the constitutional law that such an order would be void especially when it relates to a matter of public importance like the dispute relating to the election of a person holding the office of Prime Minister. The declaration of the voidness of the High Court judgment is something which can ultimately be traced to part (i). Whether such a declaration should be made by the court or by the constituent authority is more, it is urged, a matter of the mechanics of making the declaration and would not ultimately affect the substance of the matter that the judgment is declared.

(9) (1970) 1 SCR 388 (at 392)

(10) (1970) 3 SCR 745 (at 751) ,

(11) (1971) 1 SCR 288.

(12) AIR (1971) SC 231.

void. According to article 31B, without prejudice to the generality of the provisions contained in article 31A, none of the Acts and Regulations specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void, or ever to have become void, on the ground that such Act, Regulation or provision is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this Part, and notwithstanding any judgment, decree or order of any court or tribunal to the contrary, each of the said Acts and Regulations shall, subject to the power of any competent Legislature to repeal or amend it, continue in force. The effect of the above article, it is pointed out, is that even if a statute has been declared to be void on the ground of contravention of fundamental rights by a court of law, the moment that statute is specified by the constituent authority in the Ninth Schedule to the Constitution, it shall be deemed to have got rid of that voidness and the order of the court declaring that statute to be void is rendered to be of no effect. It is not necessary in such an event to make even the slightest change in the statute to rid it of its voidness. The stigma of voidness attaching to the statute because of contravention of fundamental rights found by the court is deemed to be washed away as soon as the statute is specified by the constituent authority in the Ninth Schedule and the judgment of the court in this respect is rendered to be inoperative and of no effect. In the case of *Don John Douglas Liyange v. The Queen*¹³ the Judicial Committee struck down as ultra vires and void the provisions of the Criminal Law (Special Provisions) Act, 1962 on the ground that they involved the usurpation and infringement by the legislature of the judicial powers inconsistent with the written constitution of Ceylon. Their Lordships, however, expressly referred on page 287 to the fact that the impugned legislation had not been passed by two-thirds majority in the manner required for an amendment of the Constitution contained in section 29(4) of the Constitution. It was observed :

"There was speculation during the argument as to what the position would be if Parliament sought to procure such a result by first amending the Constitution by a two-thirds majority. But such a situation does not arise here. In so far as any Act passed without recourse to section 29(4) of the Constitution purports to usurp or infringe the judicial power it is ultra vires."

The above observations, it is urged, show that the restriction upon the legislature in encroaching upon judicial sphere may not necessarily hold good in the case of constituent authority.

The above contention has been controverted by Mr. Shanti Bhushan and he submits that the limitation on the power of the legislature that it cannot declare void a judgment of the court equally operates upon the constituent authority. It is urged that the constituent authority can only enact a law in general terms, even though it be a constitutional law. The constituent authority may also, if it so deems proper change the law which is the basis of a decision and make such change with retrospective effect, but it cannot, according to the learned counsel, declare void the judgment of the court. Declaration of voidness of a judgment, it is stated, is a judicial act and cannot be taken over by the constituent authority. Although legislatures or the constituent authority can make laws, including those for creation of courts, they cannot, according to the submission, exercise judicial functions by assuming the powers of a super court in the same way as the courts cannot act as a super legislature. It is, in my opinion, not necessary to dilate upon this aspect and express a final opinion upon the rival contentions, because of the view I am taking of part (iii) of clause (4).

We may now come to part (iii) of clause (4). By part (iii) it is declared that the election of the appellant shall continue to be valid in all respects. Such a declaration would not follow from part (i) of the clause. It would not also follow from part (ii) and part (iv) of the clause which, as mentioned earlier, in effect represented the consequences flowing from part (i). The election to the Lok Sabha of the appellant, who was the Prime Minister, was challenged on the ground that she or her election agents had been guilty of some malpractices. The declaration that her election was to be valid in all respects necessarily involved the process of going into the grounds on which her election had been assailed and holding those grounds to be either factually incorrect or to be of such

(13) 1967 AC 259.

a nature as in law did not warrant the declaration of her election to be void. The case of the appellant is that some of the grounds mentioned against her were actually in correct and in respect of those grounds the findings of the High Court is against the respondent and in her favour. In respect of some other grounds, except in one or two matters there is not much divergence between the appellant and the respondent on the question of facts. The point of controversy between the parties mainly is that, according to the respondent, those facts constituted corrupt practice as defined in section 123 of the RP Act, while according to the appellant those facts did not constitute corrupt practice. In any case, according to the appellant, in view of the amendment made in the RP Act by amending Acts 58 of 1974 and 40 of 1975, these facts did not constitute corrupt practice. The declaration made in part (iii) of clause (4) that the election of the appellant was to be valid in all respects was tantamount in the very nature of things to the repelling of the grounds advanced by the respondent to challenge the election of the appellant. Question therefore arises as to what, if, any, was the law which was applied in repelling the grounds advanced by the respondent to challenge the election of the appellant. So far as the existing law relating to election disputes was concerned, part (i) of clause (4) expressly stated that such a law would not apply to the petition filed by the respondent to challenge the election of the appellant. This means that the provisions of the Representation of the People Act were not to apply to the petition filed by the respondent against the appellant. This also means that the amending Acts 58 of 1974 and 40 of 1975 were not to apply to the dispute relating to election of the appellant.

The dispute relating to the election of the appellant is also not to be governed by law which is to be enacted under clause (1) of article 329A. Such a law would apply only to future elections. The result is that so far as the dispute relating to the election of the appellant is concerned, a legal vacuum came into existence. It was open to the constituent authority to fill that vacuum by prescribing a law which was to govern the dispute arising out of the petition filed by the respondent to challenge the election of the appellant. The constituent authority, however, did not do so and straightaway proceeded to declare the election of the appellant to be valid. There is nothing in clause (4) to indicate that the constituent authority applied any law in declaring the election of the appellant to be valid and if so, what was that law.

I am unable to accede to the argument that the constituent authority kept in view the provisions of the RP Act as amended by Acts 58 of 1974 and 40 of 1975 and their impact on the challenge to the election of the appellant in declaring the election of the appellant to be valid. The difficulty in accepting this argument is that in part (i) of clause (4) the constituent authority expressly stated that the previous law, namely, the RP Act as amended in so far as it related to election petition and matters connected therewith was not to apply so far as the challenge to the election of the appellant was concerned. It is also difficult to agree that the constituent authority took into account some other unspecified law or norm in declaring the election of the appellant to be valid. As mentioned earlier, there is nothing in clause (4) to indicate that the constituent authority took into account some other law or norm and if so, what that law or norm was. The position which thus emerges is that according to clause (4) no law was to apply for adjudicating upon the challenge to the election of the appellant and the same was in terms of part (iii) to be valid in all respects. The question with which we are concerned is whether the provisions of clause (4) of article 329A by which the constituent authority in effect prescribed that no election law was to govern the challenge to the election of the appellant and that the same in any case was to be valid in all respects is a permissible piece of constitutional amendment or whether it is void on the ground that it affects the basic structure of the Constitution.

This Court in the case of *Kesavananda Bharati (supra)* held by majority that the powers of amendment of the Constitution contained in article 368 does not permit altering the basic structure of the Constitution. All the seven Judges who constituted the majority were also agreed that democratic set up was part of the basic structure of the Constitution. Democracy postulates that there should be periodical elections, so that people may be in a position either to re-elect the old representatives or, if they so choose, to change the representatives and elect in their place other representatives. Democracy further contemplates that the elections should be free and

fair, so that the voters may be in a position to vote for candidates of their choice. Democracy can indeed function only upon the faith that elections are free and fair and not rigged and manipulated, that they are effective instruments of ascertaining popular will both in reality and form and are not mere rituals calculated to generate illusion of deference to mass opinion. Free and fair elections require that the candidates and their agents should not resort to unfair means or malpractices as may impinge upon the process of free and fair elections. Even in the absence of unfair means and malpractices, sometimes the result of an election is materially affected because of the improper rejection of ballot papers. Likewise, the result of an election may be materially affected on account of the improper rejection of a nomination paper. Disputes, therefore, arise with regard to the validity of elections. For the resolving of those disputes, the different democratic countries of the world have made provisions prescribing the law and the forum for the resolving of those disputes. To give a few examples, we may refer to the United Kingdom where a parliamentary election petition is tried by two judges on the rota for the trial of parliamentary election petitions in accordance with the Representation of the People Act, 1949. Section 5 of article 1 of the US Constitution provides that each House (Senate and the House of Representatives) shall be the judge of the elections, returns and qualifications of its own members. Section 47 of the Australian Constitution provides that until the Parliament otherwise provides, any question respecting the qualification of a senator or of a member of the House of Representatives, or respecting a vacancy in either House of Parliament, and any question of a disputed election to either House, shall be determined by the House in which the question arises. Article 55 of the Japanese Constitution states that each House shall judge disputes related to qualifications of its members. However, in order to deny a seat to any members, it is necessary to pass a resolution by a majority of two-thirds or more of the members present. Article 46 of the Iceland Constitution provides that the Althing itself decides whether its members are legally elected and also whether a member is disqualified. Article 64 of the Norwegian Constitution states that the representative elected shall be furnished with certificates the validity of which shall be submitted to the judgment of the Storting. Article 59 of the French Constitution provides that the Constitutional Council shall rule, in the case of disagreement, on the regularity of the election of deputies and senators. Article 41 of the German Federal Republic Constitution states that the scrutiny of elections shall be the responsibility of the Bundestag. It shall also decide whether a deputy has lost his seat in the Bundestag. Against the decision of the Bundestag an appeal shall lie to the Federal Constitutional Court. Details shall be regulated by a federal law. According to article 66 of the Italian Constitution, each Chamber decides as to the validity of the admission of its own Members and as to cases subsequently arising concerning ineligibility and incompatibility. In Turkey article 75 provides inter alia that it shall be the function of Supreme Election Board to review and pass final judgment on all irregularities, complaints and objections regarding election matters during and after elections. The function and powers of the Supreme Election Board shall be regulated by law. Article 53 of the Malaysian Constitution provides that if any question arises whether a member of a House of Parliament has become disqualified for membership, the decision of that House shall be taken and shall be final.

Not much argument is needed to show that unless there be a machinery for resolving an election dispute and for going into the allegations that elections were not free and fair being vitiated by malpractices, the provision that a candidate should not resort to malpractices would be in the nature of a mere pious wish without any legal sanction. It is further plain that if the validity of the election of a candidate is challenged on some grounds, the said election can be declared to be valid only if we provide a forum for going into those grounds and prescribe a law for adjudicating upon those grounds. If the said forum finds that the grounds advanced to challenge the election are not well-founded or are not sufficient to invalidate the election in accordance with the prescribed law or dismisses the petition to challenge the election on some other ground, in such an event it can be said that the election of the returned candidate is valid.

Besides other things, election laws lay down a code of conduct in election matters and prescribe what may be called, rules of electoral morality. Election laws also contain a provision for resolving disputes and determination of contro-

versies which must inevitably arise in election matters as they arise in other spheres of human activity. The object of such a provision is to enforce rules of electoral morality and to punish deviance from the prescribed code of conduct in election matters. It is manifest that but for such a provision, there would be no sanction for the above code of conduct and rules of electoral morality. It is also plain that nothing would bring the code of conduct into greater contempt and make a greater mockery of it than the absence of a provision to punish its violation. The position would become all the more glaring that even though a provision exists on the statute book for punishing violation of the code of conduct in election matters, a particular election is made immune and granted exemption from the operation of such a provision.

The vice of clause (4) of article 329A is not merely that it makes the previous law contained in the RP Act as amended by Acts 58 of 1974 and 40 of 1975 inapplicable to the challenge to the election of the appellant, it also makes no other election law applicable for resolving that dispute. The further vice from which the said clause suffers is that it not merely divests the previous authority, namely, the High Court of its jurisdiction to decide the dispute relating to the election of the appellant, it confers no jurisdiction on some other authority to decide that dispute. Without even prescribing a law and providing a forum for adjudicating upon the grounds advanced by the respondent to challenge the election of the appellant, the constituent authority has declared the election of the appellant to be valid.

To confer an absolute validity upon the election of one particular candidate and to prescribe that the validity of that election shall not be questioned before any forum or under any law would necessarily have the effect of saying that howsoever gross may be the improprieties which might have vitiated that election, howsoever flagrant may be the malpractices which might have been committed on behalf of the returned candidate during the course of the election and howsoever foul and violative of the principles of free and fair elections may be the means which might have been employed for securing success in that election, the said election would be none-the-less valid and it would not be permissible to complain of those improprieties, malpractices and unfair means before any forum or under any law with a view to assail the validity of that election. Not much argument is needed to show that any provision which brings about that result is subversive of the principle of free and fair election in a democracy. The fact that the candidate concerned is the Prime Minister of the country or the Speaker of the lower House of Parliament would, if anything, and force to the above conclusion because both these offices represent the acme of the democratic process in a country. That in fact the elections of the incumbents of the two offices were not vitiated by any impropriety, malpractice or unfair means is not relevant or germane to the question with which we are concerned, namely, as to what is the effect of clause (4) of article 329A.

The vice of declaration contained in part (iii) of clause (4) regarding the validity of the election of the appellant is aggravated by the fact that such a declaration is made after the High Court which was then seized of jurisdiction had found substance in some of the grounds advanced by the respondent and had consequently declared the election of the appellant to be void. To put a stamp of validity on the election of a candidate by saying that the challenge to such an election would not be governed by any election law and that the said election in any case would be valid and immune from any challenge runs counter to accepted norms of free and fair elections in all democratic countries. In the case of *Marbury v. Madison*¹⁴ Marshall CJ, said that "the government of the United States has been emphatically termed a government of laws and not of men." In *United States v. Lee*¹⁵ Samuel Miller J. observed that "no man is so high that he is above the law... All... officers are creatures of the law and are bound to obey it." Although the above observations were made in the context of the US Constitution, they, in my opinion, hold equally good in the context of our Constitution.

It has been argued on behalf of the appellant that the grounds on account of which the election of the appellant had been held to be void by the High Court, were of a technical nature. I need not express any opinion about this aspect of the matter at this stage but, assuming it to be so, I find that clause (4) of article 329A is so worded that however

serious may be the malpractices vitiating the election of the Speaker or the Prime Minister, the effect of clause (4) is that the said election would have to be treated as valid. I cannot accede to the submission that in construing clause (4) we should take into account the facts of the appellant's case. This is contrary to all accepted norms of construction. If a clause of a Constitution or statutory provision is widely worded, the width of its ambit cannot be circumscribed by taking into account the facts of an individual case to which it applies. As already mentioned, clause (4) deals with the past election not merely of the Prime Minister but also of the Speaker. So far as the election of the Speaker is concerned, we do not know as to whether the same was ever challenged and, if so, on what grounds, and whether such a dispute is still pending.

Another argument advanced in support of the validity of the amendment is that we should take it that the constituent authority constituted itself to be the forum for deciding the dispute relating to the validity of the election of the appellant, and after considering the facts of the case, declared the election of the appellant to be valid. There is, however, nothing before us as to indicate that the constituent authority went into the material which had been adduced before the High Court relating to the validity of the election of the appellant and after considering that material held the election of the appellant to be valid. Indeed, the statement of Objects and Reasons appended to the Constitution (Thirty-ninth Amendment) Bill makes no mention of this thing. In any case, the vice of clause (4) would still lie in the fact that the election of the appellant was declared to be valid on the basis that it was not to be governed by any law for settlement of election disputes. Although the provisions of a constitutional amendment should be construed in a fair and liberal spirit, such liberal spirit should not be carried by the court to the extent of discovering the application of a dormant and latent law in the declaration of the validity of an election even though there is not even a remote indication of such a law in the impugned provision. Rule of law postulates that the decisions should be made by the application of known principles and rules and in general such decisions should be predictable and the citizen should know where he is. If a decision is taken without any principle or without any rule, it is not predictable and such decision is the antithesis of a decision taken in accordance with the rule of law.

The matter can also be looked at from another angle. The effect of impugned clause (4) is to take away both the right and the remedy to challenge the election of the appellant. Such extinguishment of the right and remedy to challenge the validity of the election, in my opinion, is incompatible with the process of free and fair election. Free and fair elections necessarily postulate that if the success of a candidate is secured in elections by means which violate the principle of free and fair elections, the election should on that account be liable to be set aside and be declared to be void. To extinguish the right and the remedy to challenge the validity of an election would necessarily be tantamount to laying down that even if the election of a candidate is vitiated by the fact that it was secured by flagrant violation of the principles of free and fair election, the same would still enjoy immunity from challenge and would be none-the-less valid. Clause (4) of article 329A can, therefore, be held to strike at the basis of free and fair elections.

I agree that it is not necessary in a democratic set up that disputes relating to the validity of the elections must be settled by courts of law. There are many countries like France, Japan, and the United States of America where consistently with the democratic set up the determination of such controversies is by legislatures or by authorities other than the courts. The question with which we are concerned, however, is whether it is permissible in a democratic set up that a dispute with regard to the validity of a particular election shall not be raised before any forum and shall not be governed by law and whether such an election can be declared, despite the existence of a dispute relating to its validity, to be valid by making the existing law relating to election disputes not applicable to it and also by not applying any other election law to such a dispute. The answer to

⁽¹⁴⁾ 1 Cr. 137, 163 (1803)

⁽¹⁵⁾ 106 US 196, 220

such a question, for the reasons given earlier by me, should be in the negative.

Reference to the election of the US President made by Mr. Sen is also not helpful to him. It is clear from observations on pages 47—50 of the American Commonwealth by Bryce 1912 Ed. and sections 5, 6 and 15 of the United States Code (1970 Ed.) that there is ample provision for the determination of such disputes after the poll. The fact that such determination of the dispute is before the declaration of the result would not detract from the proposition that it is essential for free and fair elections that there should be a forum and law for the settlement of such disputes relating to the validity of the election.

Argument has also been advanced that the offices of the Prime Minister and Speaker are of great importance and as such they constitute a class by themselves. This argument, in my opinion, would have relevance if instead of the law governing disputes relating to the election of other persons, another law had been prescribed to govern the dispute relating to the election of a person who holds the office of the Prime Minister or Speaker. As it is, what we find is that so far as the dispute relating to the election of the appellant is concerned, neither the previous law governing the election of persons holding the office of the Prime Minister is to apply to it nor the future law to be framed under clause (1) of article 329A governing the election of persons holding the office of Prime Minister is to apply to this dispute. Likewise, the previous forum for adjudicating upon the election dispute which went into the matter, has been divested of its jurisdiction with retrospective effect and, at the same time, no jurisdiction has been vested in any other forum to go into the matter. The present is not a case of change of forum. It is, on the contrary, one of the abolition of forum. As such, the question as to whether the office of Prime Minister constitutes a class by itself loses much of its significance in the context of the controversy with which we are concerned.

It has been argued in support of the constitutional validity of clause (4) that as a result of this amendment, the validity of one election has been preserved. Since the basic structure of the Constitution, according to the submission, continues to be the same, clause (4) cannot be said to be an impermissible piece of constitutional amendment. The argument has a seeming plausibility about it, but a deeper reflection would show that it is vitiated by a basic fallacy. Law normally connotes a rule or norm which is of general application. It may apply to all the persons or class of persons or even individuals of a particular description. Law prescribes the abstract principles by the application of which individual cases are decided. Law, however, is not what Blackstone called "a sentence". According to Roscoe Pound, law, as distinguished from laws, is the system of authoritative materials for grounding or guiding judicial and administrative action recognized or established in a politically organized society (see page 106, Jurisprudence, Vol. III). Law is not the same as judgment. Law lays down the norm in abstract terms with a coercive power and sanction against those guilty of violating the norm, while judgment represents the decision arrived at by the application of law to the concrete facts of a case. Constitutional law relates to the various organs of a state; it deals with the structure of the government, the extent of distribution of its powers and the modes and principles of its operation. The Constitution of India is so detailed that some of the matters which in a brief constitution like that of the United States of America are dealt with by statutes form the subject-matter of various articles of our Constitution. There is, however, in a constitutional law, as there is in the very idea of law, some element of generality or general application. It also carries with it a concept of its applicability in future to situations which may arise in that context. If there is amendment of some provision of the Constitution and the amendment deals with matters which constitute constitutional law, in the normally accepted sense, the court while deciding the question of the validity of the amendment would have to find out, in view of the majority opinion in *Keshavananda Bharati's case* (supra) as to whether the amendment affects the basic structure of the Constitution. The constitutional amendment contained in clause (4) with which we are concerned in the present case is, however, of an altogether different nature. Its avowed object is to confer validity on the election of the appellant to the Lok Sabha in 1971 after that election had been declared to be void by the High Court and an appeal against the judgment

of the High Court was pending in this Court. In spite of our query, we were not referred to any precedent of a similar amendment of any Constitution of the world. The uniqueness of the impugned constitutional amendment would not, however, affect its validity. If the constituent authority in its wisdom has chosen the validity of a disputed election as the subject-matter of a constitutional amendment, this Court cannot go behind that wisdom. All that this Court is concerned with is the validity of the amendment. I need not go into the question as to whether such a matter, in view of the normal concept of constitutional law, can strictly be the subject of a constitutional amendment. I shall for the purpose of this case assume that such a matter can validly be the subject-matter of a constitutional amendment. The question to be decided is that if the impugned amendment of the Constitution violates a principle which is part of the basic structure of the Constitution, can it enjoy immunity from an attack on its validity because of the fact that for the future, the basic structure of the Constitution remains unaffected. The answer to the above question, in my opinion, should be in the negative. What has to be seen in such a matter is whether the amendment contravenes or runs counter to an imperative rule or postulate which is an integral part of the basic structure of the Constitution. If so, it would be an impermissible amendment and it would make no difference whether it relates to one case or a large number of cases. If an amendment striking at the basic structure of the Constitution is not permissible, it would not acquire validity by being related only to one case. To accede to the argument advanced in support of the validity of the amendment would be tantamount to holding that even though it is not permissible to change the basic structure of the Constitution, whenever the authority concerned deems it proper to make such an amendment, it can do so and circumvent the bar to the making of such an amendment by confining it to one case. What is prohibited cannot become permissible because of its being confined to one matter.

Lastly, question arises whether we should strike down clause (4) in its entirety or in part. So far as this aspect is concerned, I am of the view that the different parts of clause (4) are so integrally connected and linked with each other that it is not possible to sever them and uphold the validity of part of it after striking down the rest of it. It would indeed be unfair to the appellant if we were to uphold the first part of clause (4) and strike down other parts or even part (iii). As would be apparent from what follows hereafter, the election of the appellant is being upheld by applying the provisions of the RP Act as amended by Act 40 of 1975. Such a course would not be permissible if we were to uphold the validity of the first part of clause (4) and strike down the other parts. We would also in that event be creating a vacuum which is the very vice for which we are striking down clause (4). I am, therefore, of the view that clause (4) should be struck down in its entirety.

In view of my finding that clause (4) strikes at the basic structure of the Constitution, it is not necessary to go into the question as to whether, assuming that the constituent authority took it upon itself to decide the dispute relating to the validity of the election of the appellant, it was necessary for the constituent authority to hear the parties concerned before it declared the election of the appellant to be valid and thus in effect repelled the challenge of the respondent to the validity of the appellant's election.

As a result of the above, I strike down clause (4) of article 329A on the ground that it violates the principle of free and fair elections which is an essential postulate of democracy and which in its turn is a part of the basic structure of the Constitution inasmuch as (1) it abolishes the forum without providing for another forum for going into the dispute relating to the validity of the election of the appellant and further prescribes that the said dispute shall not be governed by any election law and that the validity of the said election shall be absolute and not consequently be liable to be assailed, and (2) extinguishes both the right and the remedy to challenge the validity of the aforesaid election. We may now deal with appeal No. 887 of 1975 filed by the appellant. So far as this appeal is concerned, it has been argued by Mr. Sen on behalf of the appellant that the grounds on which the election of the appellant has been declared by the High Court to be void no longer hold good in view of the amendment in the RP Act by Act 40 of 1975. As against that, Mr. Shanti Bhushan on behalf of the respondent has assailed the validity of Act 40 of 1975. In the alternative, Mr. Shanti Bhushan contends that even if the validity of Act 40 of 1975

were to be upheld, the grounds on which the election of the appellant has been declared to be void would still hold good.

The question as to whether Act 40 of 1975 is not vitiated by any constitutional infirmity would be dealt with by me subsequently. For the time being I would proceed upon the basis that the statutory amendment in the RP Act by Act 40 of 1975 is constitutionally valid.

Section 10 of Act 40 of 1975, which has been reproduced earlier, makes it clear, *inter alia*, that the provisions of sections 6, 7 and 8 of that Act shall have retrospective operation, so as to apply to or in relation to any election held before the commencement of this Act, to either House of Parliament in respect of which appeal from any order of any High Court made in any election petition under the RP Act is pending before the Supreme Court immediately before such commencement. It is, therefore, obvious that the provisions of section 6, 7 and 8 Act 40 of 1975 would be attracted to this case. One of the questions which actually arose for determination before the High Court was as to what was the date on which the appellant held herself out as a candidate. According to the written statement filed on behalf of the appellant, she held herself out as a candidate from the Rae Bareilly constituency on February 1, 1971 when she filed her nomination paper. As against that, the case of the respondent was that the appellant held herself out as a candidate from that constituency on December 27, 1970 when the Lok Sabha was dissolved. The finding of the High Court is that the appellant held herself out as a candidate from the Rae Bareilly constituency on December 29, 1970 when she addressed a Press conference. The question as to when the appellant held herself out as a candidate from the Rae Bareilly constituency has now become purely academic in view of the change in the definition of the word "candidate" as given in clause (b) of section 79 of the RP Act by Act 40 of 1975. According to the original definition, "unless the context otherwise requires, 'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate". The new definition states that "unless the context otherwise requires, 'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election". The question as to when a person holds himself out as candidate, therefore, loses its importance in the context of the new definition.

One of the grounds which weighed with the High Court in declaring the election of the appellant to be void was that the appellant committed corrupt practice under section 123(7) of the RP Act inasmuch as she obtained and procured the assistance, for the furtherance of her election prospects, of Yashpal Kapur during the period from January 7 to 24, 1971 when Yashpal Kapur was still a gazetted officer in the service of the Government of India.

According to clause (7) of section 123 of the RP Act, the following act shall constitute corrupt practice under that clause :

"The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely :—

- (a) gazetted officers;
- (b) stipendiary judges and magistrates;
- (c) members of the armed forces of the Union;
- (d) members of the police forces;
- (e) excise officers;

(f) revenue officers other than village revenue officers known as *lambardars*, *malguzars*, *deshmukhs* or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police function; and

(g) such other class of persons in the service of the Government as may be prescribed.

Explanation.—(1) In this section the expression 'agent' includes an election agent, or polling agent and any person who is held to have acted as an agent in connection with the consent of the candidate.

(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent."

Perusal of the above clause shows that what constitutes corrupt practice under the above clause is the obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any person with the consent of a candidate or his election agent any assistance (other than the giving of vote) for the furtherance of the prospects of the candidate's election from any person in the service of the Government and belonging to any of the classes specified therein. It is, in my opinion, essential that at the time the impugned act, namely, the obtaining or procuring or abetting or attempting to obtain or procure the assistance of a Government servant is done, the person doing the act must be a candidate or his agent or any other person with the consent of a candidate or his election agent. Candidate in this clause would mean a person who has been or who claims to have been duly nominated as a candidate at the election. I am unable to accede to the submission of Mr. Shanti Bhushan that the word "candidate" has been used merely to identify the person who is duly nominated as a candidate at an election and that the word "candidate", as mentioned in clause (7), would also include a person who, after the commission of the corrupt practice specified in that clause, is subsequently nominated as a candidate. The amended definition reproduced above shows that unless context otherwise requires, candidate means a person who has been or claims to have been duly nominated as a candidate at an election. To accede to the submission of Mr. Shanti Bhushan would be tantamount to reading in the definition of the word "candidate" in addition to the words "who has been or claims to have been duly nominated" also the words "who is subsequently nominated as a candidate". There is nothing to indicate that the word "candidate" in clause (7) of section 123 has been used merely to identify the person who has been or would be subsequently nominated as a candidate. A definition clause in a statute is a legislative device with a view to avoid making different provisions of the statute to be cumbersome. Where a word is defined in the statute and that word is used in a provision to which that definition is applicable, the effect is that wherever the word defined is used in that provision, the definition of the word gets substituted. Reading the word "candidate" in section 123(7) of the RP Act in the sense in which it has been defined as a result of the amendment made by Act 40 of 1975, I find that the only reasonable inference is that the person referred to as a candidate in that clause should be a person who has been or claims to have been duly nominated as a candidate at an election and not one who is yet to be nominated.

Mr. Shanti Bhushan has invited our attention to clause (b) of section 100(1) of the RP Act wherein it is stated that subject to the provisions of sub-section (2) of the section in the High Court is of the opinion that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent, the High Court shall declare the election of the returned candidate to be void. "Returned candidate" has been defined in clause (f) of section 79 to mean, unless the context otherwise requires, a candidate whose name has been published under section 67 as duly elected. It is urged that as the corrupt practice referred to in clause (b) of section 100(1) of the RP Act would in the very nature of things have to be committed by the returned candidate before his name was published under section 67 as duly elected, the words "returned candidate" in clause (b) of section 100(1) must be taken to have been used with a view to identify the person who subsequently became a returned candidate. It is urged that if while dealing with corrupt practice committed by a candidate before he became a returned candidate in the context of section 100(1)(b), it is permissible to hold that the words "returned candidate" are intended to identify the person who subsequently became a returned candidate, the same criterion should apply when construing the word "candidate" in section 123 of the RP Act. This contention, in my opinion, is devoid of force. The definition of

the words "returned candidate" and "candidate" given in section 79 of the RP Act are preceded by the words "unless the context otherwise requires". The connotation of the above words is that normally it is the definition given in the section which should be applied and given effect to. This normal rule may, however, be departed from if there be some thing in the context to show that the definition should not be applied. So far as clause (b) of section 100(1) is concerned the context plainly requires that the corrupt practice referred to in that clause should have been committed by the candidate before he became a returned candidate, or by his agent or by any other person with his consent or that of his election agent. The compulsion arising from the context which is there in clause (b) of section 100(1) of the RP Act is singularly absent in section 123(7) of the RP Act. There is nothing in the context of the latter provision which requires that we should not give full effect to the new definition of the word "candidate".

Reference has also been made by Mr. Shanti Bhushan to observations on pages 222-3 of Vol. 14 of Halsbury's Laws of England, Third Edition, according to which a candidate at a general election may be guilty of treating even though the treating took place before the dissolution of the Parliament and consequently before he came within the statutory definition of a candidate. These observations have been made in the context of the statutory provisions in the United Kingdom. Those provisions were couched in a language substantially different from that in which the provisions of the RP Act in India are couched and as such, in my opinion, not much assistance can be derived from those observations.

As the appellant filed her nomination paper on February 1, 1971, in view of the amended definition of the word "candidate", it would have to be taken that the appellant became a candidate only on February 1, 1971. The result is that even if the finding of the High Court that the appellant obtained and procured the assistance of Yashpal Kapur during the period from January 7 to 24, 1971 were assumed to be correct, the appellant shall not be deemed to have committed corrupt practice under section 123(7) of the RP Act. As regards the assistance of Yashpal Kapur which the appellant is alleged to have obtained and procured after January 14, 1971, the controversy stands resolved also by another amendment. According to the case of the appellant, Yashpal Kapur tendered his resignation by letter dated January 13, 1971 with effect from January 14, 1971. The High Court found that Yashpal Kapur continued to be in the service of the Government of India till January 25, 1971 which was the date of the notification regarding the acceptance of Yashpal Kapur's resignation. According to the said notification, the President was pleased "to accept the resignation of Shri Y. P. R. Kapur, Officer on Special Duty in the Prime Minister's Secretariat, with effect from the forenoon of the 14th January, 1971". The explanation which has been added to section 123 of the RP Act makes it clear, *inter alia*, that for the purpose of clause (7), notwithstanding anything contained in any other law, the publication in the official gazette of the resignation and termination of service of a person in the service of the Central Government shall be conclusive proof of his resignation and termination of service and where the date of taking effect of his resignation or termination of service is stated in such publication, also of the fact that such person ceased to be in such service with effect from the said date. Yashpal Kapur in view of the newly added explanation, shall be taken to have ceased to be in Government service with effect from January 14, 1971. Any assistance of Yashpal Kapur which the appellant was alleged to have obtained or procured on or after January 14, 1971 would not, therefore, make her guilty of corrupt practice under section 123(7) of the RP Act.

Another ground on which the High Court declared the election of the appellant to be void was that she committed corrupt practice under section 123(7) of the RP Act inasmuch as she obtained the assistance of the officers of the UP Government, particularly the District Magistrate, Superintendent of Police, the Executive Engineer PWD and the Engineer Hydel Department for construction of rostrums and arrangement of supply of power for loudspeakers in the meetings addressed by her on February 1, 1971 and February 25, 1971 in furtherance of her election prospects. It is not disputed that what was done by the above mentioned officers was in pursuance of official directions and

in the discharge or purported discharge of the official duties. This is indeed clear from letter dated November 19, 1969 from the Government of India, Ministry of Home Affairs to all State Governments wherein there is reference to rule (6) of the Rules and Instructions for the Protection of the Prime Minister and it is stated:

"As the security of the Prime Minister is the concern of the State all arrangements for putting up the rostrum, the barricades etc. at the meeting place, including that of an election meeting will have to be made by the State Government concerned....."

.....
In the case of election meetings, all expenditure on police, setting up of barricades and taking lighting arrangements will be borne by the State Government while expenditure on the public address system and any decorative arrangements will be the responsibility of the political party concerned. (The expenditure on all these items, may in the first instance be borne by the State Government and then recovered from the political parties concerned). In regard to the rostrum only 25 per cent of the cost of the rostrum or Rs. 2500.00 whichever is less, shall be contributed by the party as the rostrum has to be of certain specifications because of security considerations."

Assuming that the finding of fact recorded by the High Court in this respect is correct, the appellant can still be not guilty of the commission of corrupt practice under section 123(7) of the RP Act in view of the new proviso which has been inserted at the end of clause (7) of section 123 and which reads as under:

"Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to or in relation to any candidate or his agent or any other person acting with the consent of the candidate or his agent or any other person acting with the consent of the candidate or his election agent, (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election."

The above proviso has also a direct bearing on the allegation of the respondent that the appellant committed corrupt practice under section 123(7) of the RP Act inasmuch as she or her election agent procured the assistance of members of armed forces of the Union for furtherance of her election prospects because of the fact that the members of the armed forces arranged planes and helicopters of the Air Force for her flights to enable her to address meetings in her constituency.

It has been argued by Mr. Shanti Bhushan that the words "in the discharge or purported discharge of his official duty" in the above mentioned proviso have reference only to statutory duty and not to other duty performance of which takes place in pursuance of administrative instructions. I find it difficult to accede to the above submission as there is nothing in the above proviso to confine the words "official duty" to duty imposed by statute. Official duty would include not merely duties imposed by statutes but also those which have to be carried out in pursuance of administrative instructions.

Mr. Shanti Bhushan during the course of arguments made it plain that apart from his submission with regard to the validity of Act 40 of 1975, his objection relating to the applicability of Act 40 of 1975 was confined to two matters, namely, the connotation of the word "candidate" and the meaning to be attached to official duty. Both these objections have been found by me to be not tenable. I would, therefore, hold that subject to the question as to whether the provisions of Act 40 of 1975 are valid, the grounds on which the High Court has declared the election of the appellant to be void no longer hold good for declaring the said election to be void.

We may also before dealing with the validity of Act 40 of 1975 refer to one other change brought about by that

Act which has a bearing upon the present case. It was the case of the respondent that the appellant and her election agent made extensive appeals to the religious symbol of cow and calf and thereby committed corrupt practice under section 123(3) of the RP Act. Corrupt practice has been defined in that provision as under:

"(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate."

It is the common case of the parties that the symbol of cow and calf was allotted to the Congress party by the Election Commission. The learned counsel for the respondent stated during the course of arguments in the High Court that he confined his case only to the use of the symbol of cow and calf. The learned counsel gave up that part of the case of the respondent wherein it had been alleged that appeals were made to the religious symbol of cow and calf by the appellant. The following proviso has now been inserted in clause (3) of section 123 by section 8 of Act 40 of 1975:

"Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause."

It is, therefore, apparent in view of the above proviso that the symbol of cow and calf which was allotted to the appellant shall not be deemed to be a religious symbol or a national symbol for the purpose of section 123(3) of the RP Act. The appellant as such cannot be deemed to have committed a corrupt practice under section 123(3) of the RP Act by use of the symbol of cow and calf.

In assailing the validity of Act 40 of 1975 Mr. Shanti Bhushan has referred to section 10 of that Act, according to which the amendments made by sections 6, 7 and 8 of the Act in the RP Act shall have retrospective operation, so as to apply to any election held before the commencement of the Act in respect of which an election petition is pending or in respect of which appeal from any order of the High Court is pending immediately before the commencement of Act 40 of 1975. It is urged that a change in the election law with retrospective effect strikes at the principle of free and fair elections. Retrospective operation of the amending Act, according to the learned counsel, has the effect of condoning of what was at the time it was committed a corrupt practice.

I have given the matter my earnest consideration, and am of the opinion that there is no substance in the above contention. A legislature has, except in a matter for which there is prohibition like the one contained in article 20(1) of the Constitution, the power to make laws which are prospective in operation as well as laws which have retrospective operation. There is no limitation on the power of the legislature in this respect. Essentially it is a matter relating to the capacity and competence of the legislature. Although most of the laws made by the legislature have a prospective operation, occasions arise quite often when necessary is felt of giving retrospective effect to a law. This holds good both in respect of a principal Act as well as in respect of an amending Act. If the provisions of an Act passed by the legislature are not violative of the provisions of the Constitution, those provisions shall have to be given effect to and the fact that the operation of the Act is prospective or retrospective would make no difference. It is also permissible to amend a law which is basis of the decision of a court with retrospective effect and rely upon the provisions of the amended law in appeal against the above decision of the court. The court of appeal in such an event gives full effect to the amended law even though such amendment has been made after the decision of the original court. The one field in which it is not permissible to make a law with retrospective effect is contained in clause (1) of article 20, according to which no person shall be convicted of any offence except for violation of a law in force at the time of the

commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence. Apart from the field in which there is a constitutional prohibition for giving retrospective effect to a law, power of making amendment in law with retrospective effect has now become a part of normal legislative process. Question then arises as to whether in spite of the general competence of the legislature to make a law with retrospective effect, is the legislature rendered incompetent to make a law with retrospective effect in election matters? The answer to this question, in my opinion, should plainly be the negative. Election laws are a part of the normal legislative process and what is permitted in the matter of ordinary legislation would also be permissible in the matter of legislation relating to elections unless there be some provision in the Constitution which forbids such a course. We have not been referred to any provision in the Constitution which has the effect of creating a bar in the way of the legislature making a law relating to elections with retrospective operation. If a party seeks to carve out an exception to the normal rule, it can do so only on the basis of some cogent ground. No such ground has been brought to our notice. The matter indeed is not the *res integra* because there have been two cases wherein this Court has upheld the validity of the law making amendments in election laws with retrospective effect.

The first such case was *State of Orissa v. Bhupendra Kumar Bose* (Supra). It arose out of elections to the Cuttack Municipality held in December 1957 to March 1958 as a result of which 27 appellants were declared elected as Councillors. The respondent, who was defeated at the elections, filed a writ petition before the High Court challenging the elections. The High Court held that the electoral rolls had not been prepared in accordance with the provisions of the Orissa Municipalities Act, 1950, as the age qualification had been published too late thereby curtailing the period of claims and objections to the preliminary roll to 2 days from 21 days as prescribed. The High Court consequently set aside the election. The State took the view that the judgment affected not merely the Cuttack Municipality but other municipalities also. Accordingly the Governor promulgated an Ordinance validating the elections to the Cuttack Municipality and validating the electoral rolls prepared in respect of various municipalities. The respondent thereupon filed a writ petition before the High Court contending that the Ordinance was unconstitutional. The High Court struck down the Ordinance. One of the grounds which weighed with the High Court in striking down the Ordinance was that it contravened article 14 of the Constitution. The State and the Councillors came up in appeal to this Court. It was held by this Court that Ordinance was valid and that it successfully cured the invalidity of the electoral rolls and of elections to the Cuttack Municipality. The Ordinance was further held not to offend article 14 of the Constitution as its object was not only to save the elections to the Cuttack Municipality but also to other municipalities whose validity might be challenged on similar grounds. The Ordinance, in the opinion of the Court, did not single out the respondent for discriminatory treatment. Gaiendragadkar J. (as he then was) speaking for the Constitution Bench of this Court observed:

"The Cuttack Municipal Elections had been set aside by the High Court and if the Governor thought that in the public interest, having regard to the factors enumerated in the preamble to the Ordinance, it was necessary to validate the said elections, it would not necessarily follow that the Ordinance suffers from the vice of contravening Art. 14."

It was further observed:

"Therefore if the infirmity in the electoral rolls on which the decision of the High Court in the earlier writ petition was based, had not been applicable to the electoral rolls in regard to other Municipalities in the State of Orissa, then it may have been open to the Governor to issue an Ordinance only in respect of the Cuttack Municipal Elections, and if, on account of special circumstances or reasons applicable to the Cuttack Municipal Elections, a law was passed in respect of the said elections alone, it could not have been challenged as unconstitutional under Art. 14. Similarly, if Mr. Bose was the only litigant affected by the decision and as such formed a class by himself, it would have been open to the Legislature to make a law only in respect of his case. But as we

have already pointed out, the Ordinance does not purport to limit its operation only to the Cuttack Municipality; it purports to validate the Cuttack Municipal Elections and the electoral rolls in respect of other Municipalities as well. Therefore, we are satisfied that the High Court was in error in coming to the conclusion that section 4 contravenes Art. 14 of the Constitution."

In **Kanta Kathuria v. Manak Chand Surana** (supra) the dispute related to the election of the appellant to the Rajasthan Legislative Assembly. The appellant in that case had been appointed as a Special Government Pleader to represent the State of Rajasthan in an arbitration case. The appellant then stood for election to the State Legislative Assembly and was declared elected. The election of the appellant was challenged inter alia on the ground that the appellant held an office of profit within the meaning of article 191(1) of the Constitution. The High Court set aside the election of the appellant. The appellant then came up in appeal to this Court. During the pendency of the appeal, Rajasthan Act 5 of 1969 was passed declaring among others that the holder of the office of Special Government Pleader was not disqualified from being chosen or for being a member of the State Legislative Assembly. The Act was made retrospective and removed the appellant's disqualification retrospectively. On the question as to whether the appellant was holding an office of profit and hence was disqualified. Sikri, Ray and Reddy JJ. held that the appellant was not holding an office of profit. Hidayatullah CJ. and Mitter J., however, held that the High Court was right in holding that the appellant held an office of profit. All the five Judges constituting the Constitution Bench were, however, unanimous on the point that the Act of 1969 had removed the disqualification of the appellant retrospectively. Hidayatullah CJ. speaking for himself and Mitter J. observed :

"It is also well-recognised that Parliament and Legislature of the States can make their laws operate retrospectively. Any law that can be made prospectively may be made with retrospective operation except that certain kinds of laws cannot operate retrospectively. This is not one of them.

This position being firmly grounded we have to look for limitation, if any, in the Constitution. Article 191 (which has been quoted earlier) itself recognises the power of the Legislature of the State to declare by law that the holder of an office shall not be disqualified for being chosen as a member. The Article says that a person shall be disqualified if he holds an office of profit under the Government of India or the Government of any State unless that office is declared by the Legislature not to disqualify the holder. Power is thus reserved to the Legislature of the State to make the declaration. There is nothing in the words of the article to indicate that this declaration cannot be made with retrospective effect."

It was further observed :

"Regard being had to the legislative practice in this country and in the absence of a clear prohibition either express or implied we are satisfied that the Act cannot be declared ineffective in its retrospective operation."

Sikri J. (as he then was) speaking for himself, Ray J. (as he then was) and Reddy J. dealt with the matter in the following words :

"Mr. Chagla, learned counsel for the respondent, contends that the Rajasthan State Legislature was not competent to declare retrospectively under Art. 191(1) (a) of the Constitution. It seems to us that there is no force in this contention. It has been held in numerous cases by this Court that the State Legislatures and Parliament can legislate retrospectively subject to the provisions of the Constitution. Apart from the question of fundamental rights, no express restriction has been placed on the power of the Legislature of the State, and we are unable to imply, in the context, any restriction. Practice of the British Parliament does not oblige us to place any implied restriction. We notice that the British Parliament in one case validated the election: *Erskine May's Treatise on the Law, Privilege Proceedings & Usage of Parliament*—

Seventeenth (1964) Edition)—

'After the general election of 1945 it was found that the persons elected for the Coatbridge Division of Lanark and the Springbourn Division of Glasgow were disqualified at the time of their election because they were members of tribunals appointed by the Minister under the Rent of Furnished Houses Control (Scotland) Act, 1943, which entitled them to a small fee in respect of attendance at a Tribunal. A Select Committee reported that the disqualification was incurred inadvertently, and in accordance with their recommendation the Coatbridge and Springbourn Elections (Validation) Bill was introduced to Validate the irregular elections (H.C. Deb. (1945-46) 414, C. 564—6). See also H. C. 3 (1945—46); *ibid.* 71 1945-46 and *ibid.* 92(1945—46).'

We have also noticed two earlier instances of retrospective legislation, e.g., the House of Commons (Disqualification) Act, 1813 (Halsbury Statutes of England p. 467) and Sec. 2 of the Re-election of Ministers Act, 1919 *ibid.* p. 515).

Great stress was laid on the word 'declare' in Art. 191(1) (a), but we are unable to imply any limitation on the powers of the Legislature from this word. Declaration can be made effective as from an earlier date."

The above two authorities of this Court clearly lend support for the view that it is permissible to amend a law relating to elections with retrospective operation. Mr. Shanti Bhushan has criticised the observations of Sikri J. reproduced above on the score that in the United Kingdom amendments in election law have not been made to affect pending proceedings in courts. This is essentially a matter for the legislature to decide; this does not affect the competence of the legislature to make a change in election law with retrospective effect. In any case, the proposition of law laid down in the case of **Kanta Kathuria** is binding upon us and I do not find any reason to detract either from the soundness of the view expressed therein or its binding effect.

The Privy Council also upheld in the case of **Areyesekera v. Jayallake** 16 an Order in Council giving retrospective effect to an election law in Ceylon. This question arose in the following circumstances. An Order in Council of 1923 made provision as to the Legislative Council in Ceylon, but reserved to His Majesty power to revoke, alter or amend the Order. The appellant, as common informer, brought an action to recover penalties under the Order from the respondent, who he alleged had sat and voted after his seat had become vacant under its provisions by reason of his having a pecuniary interest in a contract with the Government. In 1928 after the action had been brought, but before its trial, an amending Order in Council was made providing that the action should be dismissed, it also amended the Order of 1923 so as to except the office held by the respondent from its operation. It was held that the Order of 1928 was valid, having regard to the power reserved by the Order of 1923, and was an effective defence to the action, although it was retrospective in its operation. Lord Darling in the above context observed ;

"It was argued that the Order in Council of November 1, 1928, was ultra vires as affecting to take away rights already in existence, thus having a retrospective action. The effect, however, of the Order of 1928, as expressed on the face of it, was no more than an act of indemnity and relief in respect of penalties incurred. It may be true that 'not Jove himself upon the past hath power'; but legislators have certain the right to prevent, alter or reverse the consequences of their own decrees. There is no necessity to give instances to prove that they have frequently done so; even going so far as to restore the heritable quality to blood which had been deprived of its virtue by Acts of attainder."

I am not impressed by the argument that retrospective operation of the relevant provisions of Act 40 of 1975 affects free and fair elections. The said provisions of Act 40 of 1975 are general in terms and would apply to all election disputes which may be pending either in the High

Court or in appeal before the Supreme Court or which may arise in future. It is no doubt true that the retrospective operation of an amending Act has the effect of placing one of the parties to the dispute in a more advantageous position compared to others but that is inevitable in most of the amendments with retrospective operation. This Court in the case of **Harbhajan Singh v. Mohan Singh & Ors.** dealt with the provisions of section 3 of the Punjab Pre-emption (Repeal) Act, 1973, according to which on and from the date of commencement of that Act, no court shall pass a decree in any suit for pre-emption. This Court held that the above provision was also applicable to appeals which were pending at the commencement of that Act as an appeal was in the nature of a re-hearing, and as such even if the suit had been decreed by the trial court, the suit was liable to be dismissed because of the coming into force of the Punjab Pre-emption (Repeal) Act during the pendency of the appeal. It is plain that only those vendees obtained the benefit of the above Act who had filed appeals against the decree awarded against them in pre-emption suit. Vendees in other cases who did not file appeal against the decree awarded against them in view of the then existing law had to lose the purchased property and thus be at a disadvantage. That fact, however, did not prevent this Court from giving effect to the amendment. Whenever a legislature makes a law or amends a law, it has to indicate the time from which it would come into effect. This is essentially a matter for the legislature and the court cannot substitute its own opinion for that of the legislature. The fact that the change in law is made applicable to pending cases and the classification treats the decided cases as belonging to one category and pending cases as belonging to another category is not offensive to article 14 (see **Anant Mills v. State of Gujarat** 18). Nor can the court interfere on the score of the propriety of giving retrospective effect to an amendment made in an election law. Indeed, the question of propriety is a matter which is entirely for the legislature to think of and decide. It cannot effect the validity of the law. This Court in the case of **Kanta Kathuria** (supra) expressly rejected the contention that amendment in election law was void because it gave advantage to a party. Hidayatullah CJ. observed in this context:

"It is true that it gave an advantage to those who stand when the disqualification was not so removed as against those who may have kept themselves back because the disability was not removed. That might raise questions of the propriety of such retrospective legislation but not of the capacity to make such laws".

Likewise, Sikri J. expressly rejected the contention that retrospective amendment in election law was bad because it was not a healthy practice and because such a course was liable to be abused in the following words :

"The apprehension that it may not be a healthy practice and this power might be abused in a particular case are again no grounds for limiting the powers of the State Legislature."

The above observations also provide an answer to the contention of Mr. Shanti Bhushan that the provisions of the amendment made by Act 40 of 1975 can be abused. I may state that in case the provisions of the amended law are abused, and some of the instances of abuse were visualized by Mr. Shanti Bhushan during the course of arguments, this Court would not be helpless in the matter. The proper course in such an event would be to strike down the action taken under the amended law and not the law itself.

Reference was also made by Mr. Shanti Bhushan to the effect of retrospective amendment in cases which may arise under section 123(1) of the RP Act. We are in the present case not concerned with section 123(1) of the RP Act and consequently it is not necessary to express any opinion with regard to the impact of the amendment upon section 123(1) of the RP Act. Nor is it necessary to express opinion on the point as to whether it is permissible to make a law which has the effect of creating a corrupt practice or disqualification retrospectively and thus unseating a returned candidate as such a question does not arise in this case.

The change in the definition of the word "candidate" to which our attention has been invited by Mr. Shanti Bhushan does not impinge upon the process of free and fair elections. The fact that as a result of the above change, we have to take

into account only the prejudicial activity of the candidate or his election agent from the date of the nomination of the candidate and not from the date he holds himself out as a candidate does not affect the process of free and fair elections. It is necessary while dealing with corrupt practice relating to elections to specify the period within which the impugned act, alleged to constitute corrupt practice should have been done. As a result of the amendment, the legislature has fixed the said period to be as from the date of nomination instead of the period as from the date on which the candidate with the election in prospect began to hold himself out as a prospective candidate. It is common experience that the date from which a candidate holds himself out as a prospective candidate is often a matter of controversy between the parties. The result is that an element of indefiniteness and uncertainty creeps in finding the date from which a person can be said to be candidate. As a result of the change in the definition of candidate, the legislature has fixed a definite date, viz., that of nomination, instead of the earlier time which had an element of indefiniteness and uncertainty about it for finding as to when a person became a candidate. Certainty is an essential desideratum in law and any amendment of law to achieve that object is manifestly a permissible piece of legislation. The choice of date was a matter for the legislature to decide and the court cannot substitute its own opinion for that of the legislature in this respect, more so, when whatever be the choice of date, has aspects of both pros and cons.

The date of nomination is normally, as in the present case, about a month before the date of polling and it is plain that most of the acts of corrupt practice are committed during this period. In any case, as mentioned above, the court cannot substitute its own opinion for that of the legislature in the choice of date. The choice of date, as observed in the case of **Union of India v. M/s Parameswaran Match Works**¹⁹ as a basis for classification cannot always be dubbed as arbitrary even if no particular reason is forthcoming for the choice unless it is shown to be capricious or whimsical in the circumstances. When it is seen that a line or a point there must be and there is no mathematical or logical way of finding it precisely, the decision of the legislature or its delegate must be accepted unless we can say that it is very wide of any reasonable mark.

One of the objects of the change effected by Act 40 of 1975 is to remove the uncertainty and set at rest the controversy as to what would be the precise date of a person in the service of the Central Government ceasing to be in such service in case he tenders his resignation. The amended law makes it clear that where the date of taking effect of the resignation is stated in the publication in the official Gazette, it shall be that date. Similarly, in the case of appointment of a person, the date of taking effect of such appointment shall be the date mentioned in the publication in the Official Gazette in case such a date is stated in such publication. The fact that the new provision creates a conclusive presumption with regard to the date of taking effect of appointment or resignation does not mean, as is sought to be argued on behalf of the respondent, that there has been an encroachment by the legislature upon the judicial sphere. Laying down a rule of conclusive presumption in a statute with a view to remove uncertainty with regard to the date of the taking effect of appointment or resignation of a Government employee cannot be characterised as an assumption of judicial power by the legislature. Another object of the change effected by Act 40 of 1975 is that a candidate who is bound, in view of para 8 of the Election Symbols (Reservation and Allotment) Order, 1968 to use the party symbol allotted by the Election Commission and who cannot use any other symbol, shall not suffer and be guilty of corrupt practice under section 123(3) of the RP Act because of the use of that symbol. It is to be assumed that Election Commission which is an independent body, would act fairly and properly and would not allot a symbol, which is a religious symbol, to a party or a candidate. The fact that the allotted symbol was one of those suggested by the party concerned would not relieve the Election Commission of its duty to see that it does not allot a religious symbol to the party. Assuming that the Election Commission makes an error of judgment in this respect and allots a symbol which, in the new provision is that a candidate should not be penalised because of such an error on the part of the Election Commission. The third object of the change effected by Act 40

(17) (1974) 2 SCC. 364.

(18) (1975) 2 SCC. 175.

(19) AIR (1974) SC 2349.

of 1975 is that a candidate should not suffer or be held guilty of corrupt practice because of any act done by any person in the service of the Government and belonging to any of the classes mentioned in section 123(7) of the RP Act in the discharge or purported discharge of his official duty. None of the three objects mentioned above has any taint of unconstitutionality and to find it difficult to hold that the impugned provisions impinge upon the principle of free and fair elections.

So far as the newly added proviso to section 123(7) is concerned it may be stated that the act in the discharge or purported discharge of official duty of the Government employees referred to above would in the very nature of things have to be of a kind which is germane to their official duties. It may include steps taken by the Government employees for maintenance of law and order or in connection with the security of a candidate or other persons. It would not, however, include canvassing or doing such acts which may properly be considered to be part of the election propaganda for furtherance of the prospects of a candidate's election. In taking action under the above provision, it must be borne in mind as stated on page 152 of Free Elections by W.J.M. Mackenzie that in the last report "the system of free elections depends on a certain separation of powers between administrators (or policemen) and politicians: there must be some public sense that police and administration serve the public, not the party leaders". What would be permissible under the above provision would be that which is conceived to be done in public interest and not something conceived to be done in the personal interest of a candidate. In spite of some difficulty which may arise in borderline cases, this distinction must be born in mind. If, however, because of doing something conceived in public interest, e.g., as in the present case the security arrangement for the person holding the office of the Prime Minister, some advantage may also possibly accrue to a candidate, it will have to be regarded as incidental and would not detract from action taken under the above provision being in public interest. As against that, any action taken with a view to further the personal interest of a candidate should not be allowed to be camouflaged as an action taken in public interest. Care must be taken to ensure that public interest is not allowed to degenerate into a cloak for furtherance of the personal interests of candidate in an election. The discharge or purported discharge of official duty must necessarily have public interest and not the personal interest of a candidate as its basis. The courts while dealing with the newly added proviso to section 123(7) should construe it, if reasonably possible, in such a manner as would sustain the validity of that proviso. In case there is abuse of the above provision, the proper course, as already mentioned, would be to strike down the action taken under the proviso and not the proviso itself.

One other charge brought about by Act 40 of 1975 is the addition of an explanation in section 77 of the RP Act. According to the new explanation, any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of section 77(1). The validity of the above explanation in a great measure is linked with the validity of the new proviso to section 123(7) of the RP Act, and for the reason stated for upholding the proviso to section 123(7), the new explanation to section 77, it seems, may have also to be upheld. It is not necessary to dilate upon this aspect because even without invoking the aid of the new explanation to section 77, the High Court has found, and I see no reason to disturb that finding, that the total expenses incurred by the appellant were less than the prescribed limit.

Argument has also been advanced that validity of Act 40 of 1975 cannot be assailed on the ground that it strikes at the basic structure of the Constitution. Such a limitation, it is submitted, operates upon an amendment of the Constitution under article 368 but it does not hold good when Parliament enacts a statute in exercise of powers under article 245 of the Constitution. In view of my finding that the provisions of Act 40 of 1975 with which we are concerned have not been shown to impinge upon the process of free and fair elections and thereby to strike at the basic structure of the

Constitution, it is not necessary to deal with the above argument. I would, therefore, hold that the provisions of Act 40 of 1975 with which we are concerned are valid and do not suffer from any constitutional infirmity.

We may now deal with cross appeal No. 909 of 1975. Mr. Shanti Bhushan has not pressed the challenge to the findings of the High Court on issues 4 and 7. He has, however, assailed the finding of the High Court on issue No. 9 whereby the High Court held that the appellant incurred an expenditure of Rs. 31,976.47 on her election as against the prescribed limit of Rs. 35,000. In Ex. 5, Return of her election expenses, the appellant showed her total election expenses to be Rs. 12,892.97. The respondent in para 13 of the election petition alleged that the appellant and her election agent had incurred expenditure much beyond the prescribed limit of Rs. 35,000 and thereby committed corrupt practice under section 123(6) of the RP Act. The respondent gave some items of the expenditure which were alleged to have been incurred by the appellant and her election agent but were not shown in the return of the election expenses. The material items with which we are now concerned were as under :

- | | |
|--|-------------------|
| (i) The hiring charges of the vehicles specified in para 13 (i) .. | over Rs. 1,28,700 |
| (ii) Cost of petrol and diesel for the vehicles specified in para 13 (i) .. | over Rs. 43,230 |
| (iii) Payments made to the drivers of vehicles specified in para 13 (i) .. | over Rs. 9,900 |
| (iv) Repairing and servicing charges of vehicles specified in para 13 (i) .. | over Rs. 5,000 |
| (v) Payments made to the workers engaged for the purpose of election propaganda .. | over Rs. 6,600 |
| (vi) Expenses on the erection of rostrums for the public meetings addressed by the appellant in the constituency on February 1 and 25, 1971 .. | over Rs. 1,32,000 |
| (vii) Expenses on arrangement of loudspeakers for the various election meetings of the appellant addressed on February 1 and 25, 1971 .. | over Rs. 7,000 |
| (viii) Expenses on motor transport for the conveyance of the appellant and her party to the place of her election meetings on February 1 and 25, 1971 .. | over Rs. 2,000 |

The High Court held that the respondent had failed to prove the first five items. As regards the expenses for the erection of rostrums for the public meetings addressed by the appellant on February 1 and 25, 1971, the High Court found that four meetings were addressed by the appellant in the constituency on February 1 and six meetings on February 25, 1971. The cost of a rostrum in each meeting came to Rs. 1,600. The total expenses of the ten rostrums thus came to Rs. 16,000 and the same, it was held, was liable to be added to the amount shown in the return of election expenses of the appellant. The amount of Rs. 16,000 included the money paid by the District Congress Committee as its share of the cost of rostrums. Regarding the expenses of loudspeakers, the High Court found that the total expense of Rs. 800 had been incurred on the installation of loudspeakers in the meetings addressed by the appellant on February 1 and 25, 1971. In addition to that, the High Court added Rs. 1,151 as most of energy supplied for the functioning of the loudspeakers. The total amount which was added to the election expenses of the appellant on

account of the loudspeakers thus came to Rs. 1,951. An amount of Rs. 232.50 was found by the High Court to have been incurred by the appellant for her transport on February 1 and 25, 1971. Adding the aggregate of Rs. 16,000, Rs. 1,951 and Rs. 232.50, in all Rs. 18,183.50, to the figure of Rs. 12,892.97 which had been shown by the appellant in her return, the total expense incurred by the appellant on her election was found by the High Court to be Rs. 31,976.47.

In appeal before us Mr. Shanti Bhushan has assailed the finding of the High Court in so far as the High Court has not accepted the case of the respondent that the appellant incurred expenses on the cost of hiring, petrol and the salary of the drivers for 23 vehicles. It may be mentioned that the respondent in para 13 of the election petition referred to 32 vehicles which were alleged to have been hired by the appellant, but both before the High Court and in appeal before us, learned counsel for the respondent has confined his argument to 23 vehicles.

To appreciate the point of controversy between the parties, it may be necessary to set out some material facts. Section 160 of the RP Act provides inter alia that if it appears to the State Government in connection with an election held within the State, any vehicle is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election the Government may by order in writing requisition such vehicle, provided that no vehicle which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned until the completion of the poll at such election. It appears that 23 vehicles, described at some places as cars and at other places as jeeps, were requisitioned by the district authorities Rae Bareilly for election purposes under the above provision. On February 23, 1971 Dal Bahadur Singh, who was the President of the District Congress Committee Rae Bareilly, addressed a letter to the District Officer Rae Bareilly praying that the above mentioned 23 vehicles, of which the numbers were given in a letter to the District Rae Bareilly praying that the above mentioned 23 vehicles, of which the numbers were given, had been taken by the District Congress Committee Rae Bareilly for the Parliamentary constituencies of Rae Bareilly, Amethi and Ram Sanehi Ghat. There are, it may be stated, seven Assembly constituencies in Rae Bareilly district. Out of them, five Assembly constituencies constitute Rae Bareilly Parliamentary constituency. One of the Assembly constituencies in Rae Bareilly district is part of Ram Sanehi Ghat Parliamentary constituency, while the seven Assembly constituency is part of Amethi Parliamentary constituency. On February 24, 1971 a reply was sent on behalf of the District Election Officer to Dal Bahadur Singh regarding the latter's request for release of 23 vehicles. It was pointed out in the reply that it was not possible to release the vehicles in favour of any party for election purposes. At the same time, it was mentioned that the question of releasing of the vehicles could be considered at the request of a candidate or his election agent. On receipt of the above reply, Dal Bahadur Singh sent the same to Yashpal Kapur on February 24, 1971 along with note A43, the material part of which reads as under :

"You are requested to kindly write a letter with your recommendation to the Election Officer so that the cars taken by the District Congress Committee may be released. I have tried to find out Shri Vidyadhar Vajpayee who is contesting the election from Amethi Parliamentary Constituency and Shri Baiznath Kureel who is contesting the election from Ram Sanehi Parliamentary Constituency, but they are not available. You are, therefore, requested to write the above letter to the District Election Officer positively so that the election work of all the three Parliamentary Constituencies which is going on, on behalf of District Congress Committee, may not suffer."

On February 25, 1971 Yashpal Kapur addressed a letter to the District Officer Rae Bareilly stating that the 23 vehicles

in question had been taken by the District Congress Committee Rae Bareilly for the three Parliamentary constituencies of Rae Bareilly, Amethi and Ram Sanehi Ghat. The District Officer was requested to release the 23 vehicles without delay.

Yashpal Kapur also enclosed with that letter the note of Dal Bahadur Singh. The 23 vehicles, it would appear, were thereafter released by the District Election Officer. The appellant, in para 17(b) of her written statement, admitted that those 23 vehicles were used by the District Congress Committee Rae Bareilly for election work in the three Parliamentary constituencies of Rae Bareilly, Amethi and Ram Sanehi Ghat. The High Court, in not accepting the case of the respondent in respect of the 23 vehicles, observed that there was nothing to show that the above mentioned vehicles had been obtained on hire or were obtained gratis. There was also, according to the High Court, no cogent material to show that the said vehicles had been engaged and used in connection with election work of the appellant.

Mr. Shanti Bhushan, while assailing the finding of the High Court, has submitted that, as five out of the seven Assembly constituencies in Rae Bareilly district were in Rae Bareilly Parliamentary constituency, five-seventh of the expenses incurred on the said 23 vehicles should be added to the election expenses of the appellant. I find it difficult to accede to the above submission because of the paucity of the material on record. There is no cogent evidence to show that the 23 vehicles in question were used for the election of the appellant. It is no doubt true that the said 23 vehicles were used by the District Congress Committee Rae Bareilly for election work in the three Parliamentary constituencies, viz., Rae Bareilly, Amethi and Ram Sanehi Ghat. The record is, however, silent on the point as to what extent they were used in Rae Bareilly Parliamentary constituency. One can in the above context visualise three possibilities :

- (i) As the appellant, who was the Prime Minister of the country, was contesting from Rae Bareilly constituency, the District Congress Committee concentrated its attention on that constituency and used the 23 vehicles mostly for the election work in that constituency.
- (ii) As the appellant had a mass appeal the District Congress Committee/office bearers thought that the Rae Bareilly constituency was very safe and, therefore, concentrated attention on the other two Parliamentary constituencies and used the 23 vehicles mostly for those two constituencies.
- (iii) Equal attention was paid to all the three constituencies and there was proportionate use of the vehicles for the three constituencies.

Mr. Shanti Bhushan would have us to accept the first or the third possibility and would rule out the second. If so, it was, in my opinion, essential for the respondent to lead some evidence regarding the use of the 23 vehicles. He did nothing of the kind. Neither the owners nor the drivers of those vehicles were examined as witnesses. There was also as mentioned earlier, no other cogent evidence to show that those vehicles or any of them were used for the appellant's election in the Rae Bareilly constituency, and if so, to what extent. The respondent himself did not come into the witness box to substantiate the charge against the appellant regarding the use of the 23 vehicles. The fact that Dal Bahadur Singh was not examined as a witness on behalf of the appellant would not warrant the filling in of the gaps and lacunae in the evidence adduced by the respondent by a process akin to guess work. It is no doubt true that by using a vehicle for the furtherance of the prospects of candidates in more than one constituency one should not be allowed to circumvent the salutary provisions of the RP Act in this respect. To prevent such circumvention, it is essential that evidence should be led to show as to what was the extent of the use of the vehicle in the constituency concerned. In *Hans Raj v. Pt. Hari Ram & Ors.* (20) a jeep hired by the Congress Committee during elections was used in more than one constituency, including that of the returned candidate who was a Congress nominee. Question arose as to whether the expense incurred in connection with that jeep could be included in the election expenses of the returned candidate.

While answering the question in the negative, Hidayatullah CJ. observed :

"The bill stands in the name of the Congress Committee and was presumably paid by the Congress Committee also. The evidence, however, is that this jeep was used on behalf of the returned candidate and to that extent we subscribe to the finding given by the learned judge. Even if it be held that the candidate was at bottom the hirer of the jeep and the expenditure on it must be included in his account, the difficulty is that this jeep was used also for the general Congress propaganda in other constituencies. As we stated, the jeep remained in Chalet and at Mubarakpur. No doubt Chalet is the home town of the returned candidate and his office was situated at Mubarakpur but that does not indicate that the jeep was used exclusively on his account. The petrol chart shows that petrol was brought at several pumps, both inside the constituency and outside. This shows, as does the evidence, that the jeep was used not only in this constituency but also in the other constituencies. If this be true, then, it is almost impossible on the evidence as it exists in this case to decide how much of the use went for the benefit of the returned candidate and how much for the use of candidates in the other constituencies also put up by the Congress Committee. In this situation it is difficult to say that the whole of the benefit of the jeep went to the returned candidate and once we hold that the entire benefit did not go to him, we are not in a position to allocate the expenses between him and the other candidates in the other constituencies."

Reference has also been made during the course of arguments by Mr. Shanti Bhushan to some entries in a register of the Congress Committee. The High Court declined to place any reliance on those entries as those entries had not been proved. I see no cogent ground to take a different view. Our attention has been invited by Mr. Shanti Bhushan to a report in issue dated January 22, 1971 of Swatantra Bharat wherein there was a reference to the Personal Secretary of the Prime Minister having reached Rae Bareilly with a caravan of 70 motor vehicles. No reliance can be placed upon that report as the correspondent who sent that report was not examined as a witness.

The other difficulty which I find in accepting the submission of Mr. Shanti Bhushan in respect of 23 vehicles is that there is no evidence to show that any payment was made for the use of the above mentioned vehicles. There is also nothing to show that those vehicles were engaged on hire. As mentioned earlier, the owners and drivers of those vehicles were not examined as witnesses. I, therefore, find no sufficient ground to interfere with the finding of the High Court in respect of the above mentioned 23 vehicles.

Mr. Shanti Bhushan has next assailed the finding of the High Court in so far as it has held that the respondent has failed to prove that the appellant incurred an expense of Rs. 6,600 on workers engaged for the purposes of election propaganda. I, however, find no infirmity in the finding of the High Court in this respect as there is no cogent evidence whatsoever that any expense was incurred for engaging workers for the election work of the appellant. The case of the appellant is that her workers did the work voluntarily and without receipt of any remuneration.

Apart from challenging the findings of the High Court in respect of 23 vehicles and the alleged payment to workers, Mr. Shanti Bhushan has also referred to some other circumstances with a view to show that the election expenses of the appellant exceeded the prescribed amount of Rs. 35,000. It has been pointed out that a cheque for Rs. 70,000 was sent by the Provincial Congress Committee to Dal Bahadur Singh, President of the District Congress Committee, Rae Bareilly, and the same was credited in Dal Bahadur Singh's account after deducting of the bank charges on March 4, 1971. Dal Bahadur Singh withdrew out of that amount Rs. 40,000 and Rs. 25,000 on March 4 and 6, 1971 respectively nearabout the days of polling. It is urged that the said amount must have been spent for the purpose of the

elections. There was no reference to the said amount of Rs. 70,000 in the petition. There is also no reference to the amount of Rs. 70,000 in the judgment of the High Court or in the grounds of appeal. As such, I am of the view that the respondent should not be allowed to set up a case against the appellant on the basis of the bank entries in the account of Dal Bahadur Singh. Reference has further been made by Mr. Shanti Bhushan to the expenses which were alleged to have been incurred on the telephone charges and the meetings addressed by Yashpal Kapur. The High Court rejected the submission in this respect on behalf of the respondent in the following words :

"Learned counsel for the petitioner urged that from the evidence on record, it transpires that expenditure was also incurred on the telephone connection and telephone charges; on the meetings addressed by Sri Yashpal Kapur within the Constituency during the period of election; on the election material viz., pamphlets, posters, etc. and on the lighting arrangements made for some meetings addressed by the respondent No. 1. According to learned counsel, these expenses are also liable to be added to the election expenses of the respondent No. 1. None of these expenses were, however, pleaded in the petition. In fact, till the commencement of the arguments in the case, the respondent No. 1 could not even anticipate that the petitioner shall rely on these expenses for the purpose of his case. It will, therefore, be prejudicial to the interest of respondent No. 1 if the aforesaid expenses are taken into consideration. The submission made by learned counsel for the petitioner is accordingly negatived."

I am in full agreement with the above observations of the High Court and find no cogent ground to take a different view.

It may be stated that in view of the new explanation added to section 77 of the RP Act by Act 40 of 1975, the amount of Rs. 12,000 which represented 75 per cent of the expenditure incurred on the construction of 10 rostrums borne by the Government, cannot be included in the total election expenses of the appellant. The High Court was also inclined to hold that the said amount of Rs. 12,000 could not be included in the appellant's expenses. The High Court, however, included the total amount of Rs. 16,000 in the election expenses of the appellant upon the assumption that the appellant had not disavowed that expenditure. Be that as it may, the fact remains that the High Court has found on issue No. 9 that the total expenses incurred by the appellant on her election have not been shown to exceed the prescribed limit. I find no cogent reason to interfere with that finding.

I also agree with the High Court that as the election expenses of the appellant have not been shown to exceed the prescribed limit of Rs. 35,000, the question of invoking and going into the validity of Act 58 of 1974 does not arise. Nor is it necessary to express an opinion about the view taken in *Kanwarlal v. Amar Nath Chawla* (21) in view of the fact that even after applying the rule laid down in that case, the total election expense of the appellant has not been shown to exceed the prescribed limit.

So far as the finding of the High Court on issue No. 6 regarding the use of the symbol of cow and calf is concerned, the matter, as already discussed earlier, is now covered by the amendment made in section 123(3) of the RP Act by section 8 of Act 40 of 1975.

There was a controversy during the course of arguments on the point as to whether I have laid down in my judgment in *Kesavananda Bharati's* case (supra) that fundamental rights are not a part of the basic structure of the Constitution. As this controversy cropped up a number of times, it seems apposite that before I conclude I should deal with the contention advanced by learned Solicitor General that according to my judgment in that case no fundamental right is part of the basic structure of the Constitution. I find it difficult to read anything in that judgment to justify such a conclusion. What has been laid down in that judgment

is that no article of the Constitution is immune from the amendatory process because of the fact that it relates to a fundamental right and is contained in Part III of the Constitution. It was also held that a constitutional amendment under article 368 does not constitute "law" as mentioned in article 13. I also did not agree with the view taken in the case of *Golaknath* ⁽²²⁾ that there was a limitation on the power of Parliament to amend the provisions of Part III of the Constitution so as to abridge or take away the fundamental rights. I thereafter dealt with the scope of the power of amendment under article 368 and the connotation of the word "amendment" and said in this context :

"I am further of the opinion that amendment of the constitution necessarily contemplates that the constitution has not to be abrogated but only changes have to be made in it. The word 'amendment' postulates that the old constitution survives without loss of identity despite the change and continues even though it has been subjected to alterations. As a result of the amendment, the old constitution cannot be destroyed and done away with; it is retained though in the amended form. What then is meant by the retention of the old constitution? It means the retention of the basic structure of framework of the old constitution. A mere retention of some provisions of the old constitution even though the basic structure or framework of the constitution has been destroyed would not amount to the retention of the old constitution. Although it is permissible under the power of amendment to effect changes, howsoever important, and to adapt the system to the requirements of changing conditions, it is not permissible to touch the foundation or to alter the basic institutional pattern. The words 'amendment of the constitution' with all their wide sweep and amplitude cannot have the effect of destroying or abrogating the basic structure or framework of the constitution. It would not be competent under the garb of amendment, for instance, to change the democratic government into dictatorship or hereditary monarchy nor would it be permissible to abolish the Lok Sabha and the Rajya Sabha. The secular character of the state according to which the state shall not discriminate against any citizen on the ground of religion only cannot likewise be done away with. Provision regarding the amendment of the constitution does not furnish a pretence for subverting the structure of the constitution nor can article 368 be so construed as to embody the death wish of the Constitution or provides sanction for what may perhaps be called its lawful harakiri. Such subversion or destruction cannot be described to be amendment of the Constitution as contemplated by article 368."

It was further observed by me :

"The word 'amendment' in article 368 must carry the same meaning whether the amendment relates to taking away or abridging fundamental rights in Part III of the Constitution or whether it pertains to some other provision outside Part III of the Constitution. No serious objection is taken to repeal, addition or alteration of provisions of the Constitution other than those in Part III under the power of amendment conferred by article 368. The same approach, in my opinion, should hold good when we deal with amendment relating to fundamental rights contained in Part III of the Constitution. It would be impermissible to differentiate between scope and width of power of amendment when it deals with fundamental rights and the scope and width of that power when it deals with provisions not concerned with fundamental rights."

It would appear from the above that no distinction was made by me so far as the ambit and scope of the power of amendment is concerned between a provision relating to fundamental rights and provisions dealing with matters other than fundamental rights. The limitation inherent in the word "amendment" according to which it is not permissible by amendment of the Constitution to change the basic structure of the Constitution was to operate equally on

articles pertaining to fundamental rights as on other articles not pertaining to those rights. This was further made clear by the following observations on page 688 :

"Subject to the retention of the basic structure or framework of the Constitution, I have no doubt that the power of amendment is plenary and would include within itself the power to add, alter or repeal the various articles including those relating to fundamental rights."

Proposition (vii) of the summary of my conclusions on page 758 of the judgment also bears it out and the same reads as under :

"(vii) The power of amendment under article 368 does not include power to abrogate the Constitution nor does it include the power to alter the basic structure or framework of the Constitution. Subject to the retention of the basic structure or framework of the Constitution, the power of amendment is plenary and includes within itself the power to amend the various articles of the Constitution, including those relating to fundamental rights as well as those which may be said to relate to essential features. No part of a fundamental right can claim immunity from amendatory process by being described as the essence or core of that right. The power of amendment would also include within itself the power to add, alter or repeal the various articles."

It has been stated by me on page 685 of the judgment (already reproduced above) that the secular character of the State, according to which the State shall not discriminate against any citizen on the ground of religion only cannot likewise be done away with. The above observations show that the secular character of the Constitution and the rights guaranteed by article 15 pertain to the basic structure of the Constitution. The above observations clearly militate against the contention that according to my judgment fundamental rights are not a part of the basic structure of the Constitution. I also dealt with the matter at length to show that the right to property was not a part of the basic structure of the Constitution. This would have been wholly unnecessary if none of the fundamental rights was a part of the basic structure of the Constitution.

Before parting with this case I must acknowledge the assistance we received from the learned counsel for the parties as also from learned Attorney General and Solicitor General in resolving the points of controversy. In spite of the political overtones, the case was argued forcefully yet without generating any heat and in an atmosphere of befitting calmness. It has been said by Holmes J. that great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest, which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure (*National Securities Co. v. US* ⁽²³⁾). It therefore, became essential to rid the case of all the embellishments resulting from the political overtones and to bring it to a level which is strictly judicial, so that the various constitutional and legal aspects of the matter may be examined in a dispassionate atmosphere. Learned counsel for the parties made a significant contribution towards the attainment of this objective. It may not be inappropriate in the above context to reproduce what was said by one of us (Khanna J.) in *Kosavananda Bharati's case* (*supra*) at page 755 :

"That all constitutional interpretations have political consequences should not obliterate the fact that the decision has to be arrived at in the calm and dispassionate atmosphere of the court room, that judges in order to give legitimacy to their decision have to keep aloof from the din and controversy of politics and that the fluctuating fortunes of rival political parties can have for them only academic interest. Their primary duty is to uphold the constitution and the laws without fear or favour and in doing so, they cannot allow any political ideology or economic theory, which may have caught their fancy, to colour the decision."

As a result of the above, I accept appeal No. 887 of 1975 filed by Shrimati Indira Nehru Gandhi, set aside the judgment of the High Court in so far as it has found the appellant guilty of corrupt practice under section 123(7) of the RP Act and has declared her election to the Lok Sabha to be void. The order that the appellant shall accordingly stand disqualified for a period of six years as provided in section 8A would also consequently be set aside. The election petition filed by the respondent shall stand dismissed. Appeal No. 909 of 1975 filed by Shri Raj Narain is dismissed. Looking to all the circumstances, more particularly the fact that the election petition filed by the respondent is being dismissed because of changes made in law during the pendency of the appeal, the parties are directed to bear their own costs throughout.

Sd/- H. R. KHANNA, J.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I. CIVIL APPEAL NO. 887 OF 1975

Smt. Indira Nehru Gandhi .. Appellant
VERSUS

Shri Raj Narain & Another .. Respondents

II. CIVIL APPEAL NO. 909 OF 1975

Shri Raj Narain .. Appellant
VERSUS

Smt. Indira Nehru Gandhi & Anr. .. Respondents

JUDGMENT

MATHEW, J.—In the election petition filed by the respondent in Civil Appeal No. 887 of 1975 (hereinafter referred to as 'respondent'), seven charges of corrupt practice were made against the appellant therein (hereinafter called the 'appellant') and it was prayed that the election of the appellant be set aside. The learned judge who tried the petition found that two of the charges had been made out but that the rest of the charges were not substantiated. He set aside the election of the appellant with the result that the appellant incurred the disqualification for a period of six years as visualised in section 8A of the Representation of the People Act, 1951. It is against this judgment that Civil Appeal No. 887 of 1975 has been filed.

The respondent has filed a cross appeal (Civil Appeal No. 909 of 1975) challenging the findings of the High Court in respect of the other charges of corrupt practice.

During the pendency of these appeals, the parliament passed the Election Laws (Amendment) Act, 1975 on 6-8-1975 by which certain amendments were made in the provisions of the Representation of the People Act, 1951, and the Indian Penal Code.

On 10-8-1975, the parliament, in the exercise of its constituent power, passed the Constitution (Thirty-Ninth Amendment) Act, 1975 (hereinafter referred to as the 'Amendment'). By the Amendment, Article 71 of the Constitution was substituted by a new Article and that Article provided by clause (1) that, subject to the provisions of the Constitution, Parliament may, by law, regulate any matter relating to or connected with the election of a President or Vice President, including the grounds on which such election may be questioned. By clause (2) of the Article it was provided that all doubts and disputes arising out of or in connection with the election of a President or Vice President shall be inquired into and decided by such authority or body in such manner as may be provided for by or under any law referred to in clause (1). Clause (3) stated that the validity of any such law referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court.

By clause 4 of the Amendment, Article 329-A was inserted reading as follows:

"329-A. Special provision as to elections to Parliament in the case of Prime Minister and Speaker:

(1) subject to the provisions of Chapter II of Part V [except sub-clause (c) of clause (1) of article 102] no election—

(a) to either House of Parliament of a person who holds the office of the Prime Minister at the time of such election or is appointed as Prime Minister after such election;

(b) to the House of the People of a person who holds the office of a Speaker of that House at the time of such election or who is chosen as the Speaker for that House after such election;

shall be called in question except before such authority [not being any such authority as is referred to in clause (b) of Article 329] or body and in such manner as may be provided for by or under any law made by Parliament and any such law may provide for all other matters relating to doubts and disputes in relation to such election including the grounds on which such election may be questioned.

(2) The validity of any such law as is referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court.

(3) Where any person is appointed as Prime Minister or, as the case may be, chosen to the office of the Speaker of the House of the People, while an election petition referred to in clause (b) of Article 329 in respect of his election to either House of Parliament or, as the case may be, to the House of the People is pending, such election petition shall abate upon such person being appointed as Prime Minister or, as the case may be, being chosen to the office of the Speaker of the House of the People, but such election may be called in question under any such law as is referred to in clause (1).

(4) No law made by Parliament before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, in so far as it relates to election petitions and matters connected therewith shall apply or shall be deemed ever to have applied to or in relation to the election of any such person as is referred to in clause (1) to either House of Parliament and such election shall not be deemed to be void or ever to have become void on any ground on which such election could be declared to be void, or has, before such commencement, been declared to be void under any such law and notwithstanding any order made by any court, before such commencement, declaring such election to be void, such election shall continue to be valid in all respects and any such order and any finding on which such order is based shall be and shall be deemed always to have been void and of no effect.

(5) Any appeal or cross appeal against any such order of any court as is referred to in clause (4) pending immediately before the commencement of the Constitution (Thirty-Ninth Amendment) Act, 1975 before the Supreme Court shall be disposed of in conformity with the provisions of clause (4).

(6) The provisions of this article shall have effect notwithstanding anything contained in this Constitution."

The respondent contended that clause (4) of Art. 329-A [hereinafter referred to as 'clause (4)'] is invalid for the reason that some of the basic structures of the Constitution have been damaged by its enactment.

The argument was that although the amending body could declare that the election of the appellant shall not be deemed to be void and the judgment of the High Court to be void on the basis that no law relating to election petition and matters connected therewith would apply to the election, yet the amending body could not have held the election to be valid as it did not ascertain the facts relating to the election and apply the relevant law to them. Counsel submitted that by its very nature, an election dispute in a democratic system of government raises questions which can be decided only by the exercise of judicial power; that by

retrospectively rendering the forum for investigation into the complaints regarding the validity of the election of the appellant *coram non iudice*, and by the amending body judging its validity without ascertaining the facts and applying the relevant law, the Amendment has fundamentally damaged an essential feature of the democratic structure of the Constitution, namely, free and fair election.

Counsel also submitted that equality and rule of law are essential features of democracy; that clause (4), by dispensing with the application of the law relating to election petition and matter connected therewith to the appellant, made an unreasonable classification among persons similarly situated with reference to the purpose of the law.

The further submission was, that separation of powers is a basic structure of the Constitution and that if it be supposed that the amending body ascertained the facts regarding the election of the appellant and applied the relevant law, the exercise of that power by the amending body would offend the doctrine of separation of powers and that, at any rate, this process would not result in an amendment of the Constitution by enacting a law, but only in the passing of a judgment or sentence which can never be characterized as a law, let alone a law relating to the Constitution of India.

In His Holiness Kesavananda Bharati Shripadagalavaru v. State of Kerala and Another, etc.(1) (hereinafter referred to as 'Bharati's case'), a majority of seven judges held that the power conferred under Article 368 of the Constitution was not absolute. They took the view that, by an amendment, the basic structure of the Constitution cannot be damaged or destroyed. And, as to what are the basic structures of the Constitution, illustrations have been given by each of these judges. They include supremacy of the Constitution, democratic republican form of government, secular character of the Constitution, separation of powers among the legislature, executive and judiciary, the federal character of the Constitution, Rule of Law, equality of status and of opportunity, justice, social, economic and political; unity and integrity of the nation and the dignity of the individual secured by the various provisions of the Constitution. There was consensus among these judges that democracy is a basic structure of the Constitution. I proceed on the assumption that the law as laid down by the majority in that case should govern the decision here, although I did not share the view of the majority.

Therefore, if by clause (4), any essential feature of the democratic republican structure of our polity as visualized by the Constitution has been damaged or destroyed, the clause would be *ultra vires* the Constitution.

One way of looking at the first part of clause (4) is that the amending body has, with retrospective effect, repealed the law relating to election petition in respect of the persons specified in clause (1) and hence the judgement rendered on the basis of the previous law relating to election petition became automatically void, and the amending body was merely stating the consequence of the retrospective repeal of the law and therefore the declaration that the judgment was void was not an exercise of judicial function. On the other hand, it might be possible to view the first part of clause (4) as an exercise of judicial power for the reason that, even assuming that by virtue of the retrospective repeal of the law relating to election petition, there was no jurisdiction in the High Court to entertain or try the election petition and passed the judgment, a repeal *simpliciter* did not render the judgment *ipso facto* void and therefore, in making the declaration that the judgment was void, the amending body was performing a function which has traditionally been in the province of court.

(1) (1973) Supp. S.C.R. 1.

(2) "Adjudicative facts are facts above the parties or their activities, businesses and properties usually answering the questions of who did what, where, when, how, why, with what motive or intent; adjudicative facts are roughly the kind of facts that go to a jury in a jury case. Legislative facts do not usually concern the immediate parties but are general facts which help the tribunal decide questions of law, policy and discretion.

Be that as it may, I feel no doubt that the amending body, when it declared the election of the appellant to be valid, had to ascertain the adjudicative facts⁽²⁾ and apply the relevant norm for adjudging its validity. If, however, the amending body did not ascertain the facts relating to the election and apply the relevant norm, the declaration of the validity of the election was a fiat of a *sui generis* character of the amending body.

The concept of democracy as visualized by the Constitution presupposes the representation of the people in parliament and state legislatures by the method of election. And, before an election machinery can be brought into operation, there are three requisites which require to be attended to, namely, (1) there should be a set of laws and rules making provisions with respect to all matters relating to, or in connection with, elections, and it should be decided as to how these laws and rules are to be made, (2) there should be an executive charged with the duty of securing the due conduct of elections, and (3) there should be a judicial tribunal to deal with disputes arising out of or in connection with elections. Articles 327 and 328 deal with the first of these requisites, article 324 with the second and article 329 with the third requisite (see N. P. Ponnuswami v. Returning Officer, Namakkal Constituency and Others)⁽³⁾.

Article 329(b) envisages the challenge to an election by a petition to be presented to such authority as the parliament may, by law, prescribe. A law relating to election should contain the requisite qualifications for candidates, the method of voting, definition of corrupt practices by the candidates and their election agents, the forum for adjudication of election disputes and other cognate matters. It is on the basis of this law that the question whether there has been a valid election has to be determined by the authority to which the petition is presented. And, when a dispute is raised as regards the validity of the election of a particular candidate, the authority entrusted with the task of resolving the dispute must necessarily exercise a judicial function, for the process consists of ascertaining the facts relating to the election and applying the law to the facts so ascertained. In other words, it is obvious that a power must be lodged somewhere to judge the validity of the election, for, otherwise, there would be no certainty as to who were legitimately chosen as members, and any intruder or usurper might claim a seat and thus trample upon the privileges and liberties of the people. Indeed, elections would become, under such circumstances, a mockery. In whichever authority the power is lodged, the nature of the function is such that it requires a judicial approach. It cannot be resolved on considerations of political expediency.

It was contended for the appellant that, in England, it was the House of Commons which originally decided election disputes concerning its members, that it was only in 1770 that the function was delegated to committees and, therefore, parliament is the proper forum for deciding election disputes of its members as it is one of its privileges. I think, at the time our Constitution was framed, the decision of an election dispute had ceased to be a privilege of the House of Commons in England and therefore, under Article 105(3), it could not be a privilege of parliament in this country.

Before the year 1770, controverted elections were tried and determined by the whole House of Commons as mere party questions upon which the strength of contending factions might be tested. "In order to prevent so notorious a perversion of justice, the House consented to submit the exercise of its privilege to a tribunal constituted by law, which, though composed of its own members, should be appointed so as to secure impartiality and the administration of justice according to the laws of the land under the sanction of oaths". The principle of the Grenville Act, and of others

"Facts pertaining to the parties and their activities that is, adjudicative facts, are intrinsically the kind of facts that ordinarily ought not to be determined without giving the parties a chance to know and to meet any evidence that may be unfavourable to them, that is, without providing the parties an opportunity for trial." see K. C. Davis : The Requirement of a Trial-type Hearing", 70 Harv. L. Rev. 193 at 199).

(3) 1952 S.C.R. 218 at 299.

which were passed at different times since 1770, was the selection by lot of committees for the trial of election petitions. And, at present, by Part III of the Representation of the People Act, 1949, the trial of controverted elections is confided to judges selected from the judiciary in the appropriate part of the United Kingdom. Provision is made in each case for constituting a rota from whom these judges are selected. The House has no cognizance of these proceedings until their determination, when the judges certify their determination. The Judges are to make a report in any case where a charge has been made in the petition of corrupt and illegal practice having been committed at an election; and they may also make a special report on any matter arising which they think should be submitted to the House.⁽⁴⁾

Article I, Section 5(1) of the Constitution of the United States of America provides that each House shall be the judge of the elections, returns and qualifications of its own members.

In whichever body or authority, the jurisdiction is vested, the exercise of the jurisdiction must be judicial in character. This Court has held that in adjudicating an election dispute an authority is performing a judicial function and a petition for leave to appeal under Article 136 of the Constitution would lie to this Court against the decision notwithstanding the provisions of Article 329(b) (see *Durga Shankar Mehta v. Thakur Kathuraj Singh and others*)⁽⁵⁾.

In *Barry v. United States Ex. Rel. Cunningham* (6), it was held that in exercising the power to judge of the election returns and qualifications of members, the senate acts as a judicial tribunal.

It might be that if the adjudication of election disputes in respect of its members had been vested in each of the Houses of Parliament by the Constitution, the decision of the House would have been final. That would have been on the basis of the doctrine of the political question, namely, that the function has been exclusively committed textually to another agency. I am aware that the doctrine of political question has no hospitable quarter in this Court since the decision in *Madhav Rao Scindia v. Union* (7). But I venture to think that the doctrine alone can explain why the courts abstain from interfering with a verdict on an impeachment of the President for violation of the Constitution, a function essentially judicial⁽⁸⁾.

An election dispute has a public aspect in that it is concerned more with the right of a constituency to be represented by a particular candidate. But it does not follow from the public character of the controversy that there is no *lis* between the parties to the election contest, and that the *lis* can be resolved otherwise than by ascertaining the facts relating to the election, and applying the relevant law :

"A judicial inquiry investigates, declares and enforces liabilities as they stand on present or past facts and under laws supposed already to exist. This is its purpose and end. Legislation, on the other hand, looks to the future and changes existing conditions by making a new rule, to be applied thereafter to all or some part of those subject to its power."⁽⁹⁾

The Privy Council had occasion to consider this question in *United Engineering Workers' Union v. Devanayagam*⁽¹⁰⁾. The judgement of the majority was delivered by Lord Dilhorne, Lord Guest and Lord Devlin dissented. The question in the case was whe-

ther the President of a labour tribunal in Ceylon was the holder of a judicial office. If so, as the man in question had not been appointed in the way the Constitution of Ceylon required for appointments of judicial officers, whether the tribunal was without jurisdiction. It is clear from the judgement of their Lordships of the minority that judicial power is the exercise of a power on the basis of pre-existing law. At pp. 384-385, their Lordships said :

"Another characteristic of the judicial power is that it is concerned with existing rights, that is, those which the parties actually have at the inception of the suit and not those which it may be thought they ought to have; it is concerned with the past and the present and not with the future."

According to the historic analysis, the essence of the distinction between legislative power and judicial power is that the legislature makes new law which becomes binding on all persons over whom the legislature exercises legislative power: the judicature applies already existing law in the resolution of disputes between particular parties and judges may not deviate from this duty. This view of the distinction between the obligation to apply and enforce rules and a discretion to modify rules or make new rules was at one time applied uncompromisingly in describing functions as legislative or judicial. Thus De Lolme said that courts of equity as then existing in England had a legislative function. They are, he said, a kind of inferior experimental legislature, continually employed in finding out and providing law remedies for those new species of cases for which neither the courts of common law, nor the legislature have as yet found it convenient or practicable to establish any⁽¹¹⁾. Though this would show that neither for logic nor in language has the boundary between legislation and adjudication ever been rigidly and clearly drawn, the distinction between the two is well established.

If, therefore, the decision of the amending body that the election of the appellant was valid was the result of the exercise of judicial power or of despotic discretion governed solely by considerations of political expediency, the question is, whether that decision, though couched in the form of an enactment, can be characterized as an amendment of the Constitution.

The constituent power is the power to frame a constitution. This people of India, in the exercise of that power, framed the Constitution and it enacts the basic norms. By that instrument, the people conferred on the amending body the power to amend by way of addition, variation or repeal any of its provisions (Article 368). It is not necessary to go in detail into the question whether the power to amend is co-extensive with the constituent power of the people to frame a constitution. In *Bharati's case*, I said (12) :

".....under the Indian Constitution, the original sovereign—the people—created, by the amending clause of the Constitution, a lesser sovereign, almost coextensive in power with itself. This sovereign, the one established by the revolutionary act of the full or complete sovereign has been called by Max Radin, the 'pro-sovereign', the holder of the amending power under the Constitution."

I fully appreciate that 'sovereign', if conceived of as an omnipotent being, has no existence in the real world. Several thoughtful writers have deprecated the use of the expression in legal discussion as it has theological and religious overtones. Nevertheless as the practice has become inveterate, it will only create confusion if any departure is made in this case from the practice. If it is made clear that sovereign is not a 'mortal God' and can express himself or itself only in the manner and form prescribed by law and can be sovereign only when he or it acts in a certain way also prescribed by law, then perhaps the use of the expression will have no harmful consequence.

(4) see Erskine May's Parliamentary Practice, 18th edition (1971), pp. 29—31.

(5) (1955) 1 S.C.R. 267.

(6) 73 L. Ed. 867.

(7) (1971) A.I.R. S.C. 530.

(8) see Wechsler: Toward Neutral Principles of Constitutional Law, 73 Harv. L. Rev. 1, at pp. 7—9.

(9) Justice Holmes in *Prentiss v. Atlantic Coast Line Co.*, 211 U.S. 210, at 226.

(10) (1968) A.C. 356.

(11) see the Constitution of England, New Ed. (1800), p. 149.

(12) (1973) Supp. S.C.R. 1, at p. 794.

"'Legal sovereignty' is a capacity 'to determine the actions of persons in certain intended ways by means of a law..... where the actions of those who exercise the authority, in those respects in which they do exercise it, are not subject to any exercise by other persons of the kind of authority which they are exercising.'" (13).

The point to be kept in mind is that the amending body which exercises the constituent power of the legal sovereign, though limited by virtue of the decision in *Bharati's case*, can express itself only by making laws.

The distinction between constitutional law and ordinary law in a rigid constitution like ours is that the validity of the constitutional law cannot be challenged whereas that of ordinary law can be challenged on the touch-stone of constitution. But constitutional law is as much law as ordinary law. A constitution cannot consist of a string of isolated dooms. A judgment or sentence which is the result of the exercise of judicial power or of despotic discretion is not a law as it has not got the generality which is an essential characteristic of law. A despotic decision without ascertaining the facts of a case and applying the law to them, though dressed in the garb of law, is like a bill of attainder. It is a legislative judgment.

According to Blackstone, a law and a particular command are distinguished in the following manner : a law obliges generally the members of a given community, or a law obliges generally persons of a given class. A particular command obliges a single person or persons, whom it determines individually. Most of the laws established by political superiors are, therefore, general in a two-fold manner : as enjoining or forbidding generally acts of kinds or sorts; and as binding the whole community, or, at least, whole classes of its members. He then said : (14)

"Therefore, a particular act of the legislature to confiscate the goods of Titus, or to attain him of high treason, does not enter into the idea of municipal law: for the operation of this act is spent upon Titus only and has no relation to the community in general: it is rather a sentence than a law".

This passage was cited with approval by the Privy Council in *Liyanage v. The Queen* (15) to show that the end product of the exercise of judicial power is a judgment or sentence and not a law.

St. Thomas Aquinas (after considering the views of Aristotle, St. Augustine and the opinions of jurists in pandects) has said that since the end of law is common good the law should be framed not for private benefit but for the common good of all citizens (16).

Rousseau wrote (16A) :

"When I say that the object of laws is always general, I mean that the law considers subjects collectively and actions as abstract: never a man as an individual, nor an action as particular.....neither is what the sovereign himself orders about a particular object a law but a decree: not an act of sovereignty, but of magistracy."

(13) see W. J. Rees: "The Theory of Sovereignty Restated" in *Mind*, Vol. lix (1950), quoted at p. 68 of 'In Defence of Sovereignty', ed. W.J. Stankeiwicz.

(14) See Blackstone: Commentaries, Vol. 1, p. 44.

(15) (1967) 1 A.C. 259, at 291.

(16) See "The Treatise on Law", Gateway Edition (1970), p. 87.

(16A) Contract Social, Bk. II, Chap.VI.

Austin draws an explicit distinction between 'laws' and 'particular commands'. Where a command, he says, obliges generally to acts or forbearances of a class, a command is a law or rule. But where it obliges to a specific act or forbearance, a command is occasional or particular (17).

Kelsen, after noting the distinction made by Austin has observed:

"We can of course recognize as law only general norms. But there is no doubt that law does not consist of general norms only. Law includes individual norms, i.e., norms which determine the behaviour of one individual in one non-recurring situation and which therefore are valid only for one particular case and may be obeyed or applied only once." According to him, such norms are valid law because they are parts of the legal order as a whole in exactly the same sense as those general norms on the basis of which they have been created. He said that particular norms are the decisions of courts as far as their binding force is limited to the particular case at hand and that a judge who orders a debtor A to return \$ 1000 to his creditor B was passing a law (18).

It may be noted that Kelsen made no distinction between law-creation and law-application. According to him, every act of applying the law involved the creation of norms. In his view, there was no distinction between creation and application of law, a view I find difficult to accept in the light of clear distinction made by the decisions of this Court between legislative and judicial functions.

A statute is a general rule. A resolution by the legislature that a town shall pay one hundred dollars to Timothy Coggan is not a statute (19).

The mere fact that an Act to indemnify A or an Act sanctioning a pension to the Speaker is passed by the House of Commons in England should not lead us to conclude that it is law. "The English Legislature was originally constituted, not for legislative, but for financial purposes. Its primary function was, not to make laws, but to grant supplies" (20).

J. C. Carter has said that statute books contain vast masses of matter which, though in the form of laws, are not laws in the proper sense, that these consist in the making of provisions for the maintenance of public works of the State, for the building of asylums, hospitals, school buses, and a great variety of similar matters, and that this is but the record of actions of the State in relation to the business in which it is engaged. According to him, the State is a great public corporation which conducts a vast mass of business, and the written provisions for this, though in the form of laws, are not essentially different from the minutes of ordinary corporate bodies recording their actions (21).

Walter Bagehot has said:

"An immense mass, indeed of the legislation is not, in the proper language of jurisprudence, legislation at all. A law is a general command applicable to many cases. The 'special acts' which crowd the statute book and weary parliamentary committees are applicable to one case only. They do not lay down rules according to which railways shall be made, but enact that such and such a railway shall be made from this place to that place, and they have no bearing on any other transaction" (22).

(17) see Austin's Jurisprudence, 2nd ed., Vol. 1, p. 18.

(18) Kelsen : General Theory of Law and State, (1961), p. 38.

(19) John Chipman Gray: Nature and Source of law, p. 161.

(20) Courtenay Ilbert. Legislative Methods and Forms, (Oxford, 1901), p. 208.

(21) "Law. Its Origin, Growth and Function" (New York and London, 1907), p. 116,

(22) "The English Constitution" (1967), World's Classics Edition (Oxford 1928), p. 119.

"When the authors of books on jurisprudence write about law, when professional lawyers talk about law, the kind of law about which they are mainly thinking is that which is found in Justinian's Institutes, or in the Napoleonic Codes, or in the New Civil Code of the German Empire, that is to say, the legal rules which relate to contracts and torts, to property, to family relations and inheritance, or else to law of crimes as is to be found in a Penal Code" (23).

John Locke was of the view that 'legislative authority is to act in a particular way..... (and) those who wield this authority should make only general rules. They are to govern by promulgated established laws not to be varied in particular cases' (24).

Perhaps the most exhaustive treatment of the question of the necessity for generality in law is to be found in "Jurisprudence, Men and Ideas of the Law" by Patterson. (see Chapter V). According to him, the generality of a law depends upon its being applicable to an indefinite number of human beings and that is the most significant aspect of law. He said that an ordinary judgment of a court is not law as a judgment applies only to a limited number of individuals, the parties to the case. He disagreed with Dr. Kelsen's statement that the judicial decision is an individual legal norm as the expression 'individual legal norm' is a self-contradiction.

To Friedmann, the most essential element in the concept of law is degree of generality :

"The first desideratum of a system for subjecting human conduct to the governance of rules is an obvious one: there must be rules. This may be stated as a requirement of generality. Here as in so many other fields, John Austin's distinction was basically right, but too rigidly drawn."

Friedmann was of the view that community which had no general prescription at all, but only an infinite multitude of individual commands, would not be regarded as having a legal order. It would dissolve into millions of individual relationships (25).

For the purpose of this case I accept as correct the statement of Blackstone already quoted and approved by the Privy Council in *Liyanage v. The Queen* (15). I cannot regard the resolution of an election dispute by the amending body as law: It is either a judicial sentence or a legislative judgment like a Bill of Attainder.

It is no doubt true that the House of Commons in England used to pass bills of attainder. But the practice has fallen into destitute, since the year 1696. A bill of attainder is a special act of the legislature, as inflict capital punishments upon persons supposed to be guilty of high offences, such as treason and felony, without any conviction in the ordinary course of judicial proceedings. The legislature assumes judicial magistracy, pronouncing upon the guilt of the party without any of the common forms and guards of trial, and satisfying itself with proofs, when such proofs are within its reach, whether they are conformable to the rules of evidence or not. In short, in all such cases, the legislature exercises the highest power of sovereignty, and what may be properly deemed an irresponsible despotic discretion, being governed solely by what it deems political necessity or expediency, and too often under the influence of unreasonable fears, or unfounded suspicions (26).

In *U. S. U. Brown* (27) the Supreme Court of United States of America stated that the main reason why the power to pass bill of attainder was taken away from the Congress was :

(23) see Courtenay Ilbert, *Legislative Methods and Forms*, (Oxford, 1901), p.209.

(24) see the passage quoted at p. 129 of Hyek: *Law, Legislation and Liberty*.

(25) Friedmann: "Legal Theory" 5th ed. pp. 15-16. See also: Lon L. Fuller: "The Morality of Law, pp. 46-49.

(26) see 3 J. Story, *Commentaries on the Constitution of the United States* (Boston, 1833), S. 1338.

"Everyone must concede that a legislative body, from its numbers and organisation, and from the very intimate dependence of its members upon the people, which renders them liable to be peculiarly susceptible to popular clamour, is not properly constituted to try with coolness, caution, and impartiality a criminal charge, especially in those cases in which the popular feeling is strongly excited—the very class of cases most likely to be prosecuted by this mode." (28)

"Some hundreds of gentlemen, everyone of whom had much more than half made up his mind before the case was open, performed, the office both of judge and jury. They were not restrained, as a judge is restrained, by the sense of responsibility. . . . They were not selected, as a jury is selected, in a manner which enables a culprit to exclude his personal and political enemies. The arbiters of the prisoner's fate came in and went out as they chose. They heard a fragment here and there of what was said against him, and a fragment here and there of what was said in his favour. During the progress of the bill they were exposed to every species of influence. One member might be threatened by the electors of his borough with the loss of his seat. . . . In the debates arts were practised and passions excited which are unknown to well constituted tribunals, but from which no great popular assembly divided into parties ever was or ever will be free".

Much the same reason will apply to the resolution of an election dispute by an amending body as it consists, in all democratic countries, of an assembly of persons like parliament.

In *Liyanage v. The Queen* (15) the appellants had been charged with offences arising out of an abortive coup d'état on January 27, 1962. The story of the coup d'état was set out in a White Paper issued by the Ceylon Government. On March 16, 1962 the Criminal Law (Special Provisions) Act was passed and it was given retrospective effect from January 1, 1962. The Act was limited in operation to those who were accused of offences against the State in or about January 27, 1962. The Act legalised the imprisonment of the appellants while they were awaiting trial, and modified a section of the Penal Code so as to enact *ex post facto* a new offence to meet the circumstances of the abortive coup. The Act empowered the Minister of Justice to nominate the three judges to try the appellants without a jury. The validity of the Act was challenged as well as the nomination which had been made by the Minister of Justice of the three judges. The Ceylon Supreme Court upheld the objection about the vires of some of the provisions of the Act as well as the nomination of the judges. Subsequently, the Act was amended and the power of nomination of the judges was conferred on the Chief Justice. The appellants having been convicted at the trial before a court of three judges nominated under the amended Act, went up in appeal before the Judicial Committee. It was contended that the Acts of 1962 offended against the Constitution in that they amounted to a direction to convict the appellants or to a legislative plan to secure the conviction and severe punishment of the appellants and thus constituted an unjustifiable assumption of judicial power by the legislature, or an interference with judicial power which was outside the legislature's competence.

The Privy Council said in the course of their judgment that the pith and substance of the law enactments was a legislative plan *ex post facto* to secure the conviction that although legislation *ad hominem* which is directed to the course of particular proceedings may not always amount to an interference with the functions of the judiciary, but in the present case they had no doubt that there was such interference: that it was not only the likely but the intended effect of the impugned enactments and that it was fatal to their validity. They further said that the true nature and

(27) 381 U.S. 437.

(28) see Cooley, *Constitutional Limitations*, pp. 536-537, 8th ed., (1927)**

**Macaulay's account of the attainder of sir John Fenwick in 1696, the last in the History of the House of Commons, is particularly vivid:

[IX Macaulay, *History of England*, p. 207 (1900)].

purpose of these enactments were revealed by their conjoint impact on the specific proceedings in respect of which they were designed, and they took their colour, in particular from the alterations they purported to make as to their ultimate objective—the punishment of those convicted—and that these alterations constituted a grave and deliberate incursion into the judicial sphere and then, they quoted with approval the observations of Blackstone already referred to⁽¹⁴⁾. These observations have great relevance to the case in hand. True it is that their Lordships did not decide the question whether by a constitutional amendment the result could have been achieved or not.

At the time when the Amendment was passed, the appeal filed by the appellant and the cross appeal of the respondent were pending before the Supreme Court. Clause (4) was legislation *ad hominem* directed against the course of the hearing of the appeals on merits as the appeal and the cross appeal were to be disposed of in accordance with that clause and not by applying the law to the facts as ascertained by the court. This was a direct interference with the decision of these appeals by the Supreme Court on their merits by a legislative judgment.

If the amending body really exercised judicial power, that power was exercised in violation of the principles of natural justice of *audi alteram partem*. Even if a power is given to a body without specifying that the rules of natural justice should be observed in exercising it, the nature of the power would call for its observance.

The Solicitor General contended that the amending body, in declaring that the election was valid, was exercising its constituent legislative power; that legislative power does not adjudicate but only creates validity, even retrospectively, by enacting a law with that effect; that validation is law-making; that it alters the legal position by making new law and that validation may take place before or after a judgment. He said that by the repeal of the provisions of the Representation of the People Act, 1951, the amending body had wiped out not only the election petition but also the judgment of the High Court and has deprived the respondent of the right to raise any dispute as regards the validity of the election of the appellant and, therefore, there was no dispute to be adjudicated upon by the amending body. He also said—I think, in the alternative—that although the law relating to election petitions and other matters connected therewith was dispensed with in respect of the appellant, the amending body had the ideal norms of fair and free election in its view for adjudging the validity of the election. He submitted that it was open to the amending body to gather facts from any source and as the facts collected by the High Court were there factually, the amending body looked into them and applied the ideal norms of election for adjudging its validity.

It is difficult to understand, when the amending body expressly excluded the operation of all laws relating to election petition and matters connected therewith by the first part of clause (4), what ideal norms of free and fair election it had in view in adjudging the validity of the election of the appellant. I cannot conceive of any pre-existing ideal norms of election apart from the law enacted by the appropriate legislatures. If the amending body evolved new norms for adjudging the validity of the particular election, it was the exercise of a despotic power and that would damage the democratic structure of the Constitution.

Quite apart from it, there is nothing on the face of the amendment to show that the amending body ascertained the facts of the case or applied any norms for determining the validity of the election. I do not think that under Article 368 the amending body was competent to pass an ordinary law with retrospective effect to validate the election. It can only amend the Constitution by passing a law of the rank of which the Constitution is made of.

There is also nothing to show that the amending body validated the election with reference to any change of the law which formed the foundation of the judgment. The cases cited by the Solicitor General to show that a competent legislature has power to validate an invalid election do not indicate that there can be a validation without changing the law which invalidated the election. Nor do I think that a contested election can be validated without an authority applying the new law to the facts as ascertained by judicial process. If the court which ascertained the facts and applied

the law was rendered *coram non jure*, the facts ascertained by it have ceased to be facts. There are no absolute or immediately evident facts. Only by being first ascertained through legal procedure are facts brought into the sphere of law or, we may say, though it may sound paradoxical, that the competent organ legally creates facts. The courts perform a constitutive function in ascertaining facts. There is no fact 'in itself' that A has killed B. There is only somebody's belief or knowledge. They are all private opinions without relevance. Only establishment by a competent organ has legal relevance⁽²⁹⁾. And, when that organ was rendered *coram non jure*, and its judgment declared void, the facts created by it perished. They ceased to be facts. Adjudicative facts of an election dispute cannot be gathered by legislative process behind the back of the parties; they can be gathered only by judicial process. The amending body did not ascertain the facts by resorting to judicial process.

If clause (4) was an exercise in legislative validation without changing the law which made the election invalid, when there ought to have been an exercise of judicial power of ascertaining the adjudicative facts and applying the law, the clause would damage the democratic structure of the Constitution, as the Constitution visualizes the resolution of an election dispute by a petition presented to an authority exercising judicial power. The contention that there was no election dispute as clause (4) by repealing the law relating to election petition had rendered the petition filed by the respondent non-est, if allowed, will toll the death knell of the democratic structure of the Constitution. If Article 329(b) envisages the resolution of an election dispute by judicial process by a petition presented to an authority as the appropriate legislature may by law provide, a constitutional amendment cannot dispense with that requirement without damaging an essential feature of democracy, viz., the mechanism for determining the real representative of the people in an election as contemplated by the Constitution.

All the cases cited by the Solicitor General pertain either to legislative validation of a void election by applying a new law to undisputed facts or to the removal of an admitted disqualification by a law with retroactive effect.

In *Abeyesekera v. Jayatilake*⁽³⁰⁾, the facts were: An order in council of 1923 made provision as to the Legislative Council in Ceylon, but reserved to His Majesty power to revoke, alter or amend the order. The appellant, as common informer, brought an action to recover penalties under the order from the respondent, who he alleged had sat and voted after his seat had become vacant under its provisions by reason of his having a pecuniary interest in a contract with the Government. In 1928, after the action had been brought but before its trial, an amending Order in Council was made which provided: "If any such action or legal proceeding has been or shall be instituted, it shall be dismissed and made void, subject to such order as to costs as the Court may think fit to make." It also amended the Order of 1923 so as to except the office held by the respondent from its operation. The Privy Council held that the Order of 1928 was valid, having regard to the power reserved by the Order of 1923, and was in effective defence to the action. Although it was retrospective in its operation and that this was no exercise of judicial power. The direction to dismiss must be understood in the light of an earlier provision in the same Order in Council which amended the law on which the proceeding was founded: the dismissal was thus the result of the change in the law and all that the later clause showed was that the change was to have retrospective effect and govern the rights of parties even in pending proceedings. The decision would be helpful here only if and in so far as the provision in clause (4) had followed from a change in any rule of law.

The decision in *Piara Dusadh and Others v. King Emperor*⁽³¹⁾ concerned the validation of a sentence imposed by a special criminal court which was held to have no jurisdiction to try the case by an order of a court. By a validation Act, the jurisdiction was conferred with retrospective effect on the special criminal court and the sentence imposed by it was made lawful. It was held that there was no exercise of any judicial power by the legislating authority.

(29) see Kelsen : General Theory of Law and State. p. 136.

(30) (1932) A. C. 260.

(31) (1944) F.C.R. 61.

In *Kanta Kathuria v. Manak Chand Surana*(32), the appellant, a government advocate stood for election to the State Legislative Assembly of Rajasthan and was declared elected.

The election was challenged and the ground of challenge was that the appellant held an office of profit within the meaning of Article 191 of the Constitution. The High Court set aside the election for that reason. While the appeal was pending in this Court, Rajasthan Act 5 of 1969 was passed declaring among others that the holder of the office of a Special Government Pleader was not disqualified from being chosen or for being a member of the State Legislative Assembly; and, by s. 2(2), the Act was made retrospective removing the appellant's disqualification retrospectively. It was held that Act 5 of 1969 had removed the disqualification retrospectively, that Parliament and the State legislatures can legislate retrospectively subject to the provisions of the Constitution, that no limitation on the powers of the legislature to make a declaration validating an election could be put, and that, by enacting the impugned Act, the disqualification if any which existed in the 1951 Act had been removed.

In *State of Orissa v. Bhupendra Kumar Bose*(33), the facts were as follows : Elections were held for the Cuttack municipality and 27 persons were declared elected as councillors. One B, who was defeated at the elections, filed a writ petition before the High Court challenging the elections. The High Court held that the electoral rolls had not been prepared in accordance with the provisions of the Orissa Municipalities Act, 1950, as the age qualification had been published too late thereby curtailing the period of claims and objections to the preliminary roll to 2 days from 21 days as prescribed; consequently, the High Court set aside the elections. The State took the view that the judgment affected not merely the Cuttack municipality but other municipalities also. Accordingly, the Governor promulgated an Ordinance validating the elections to the Cuttack municipality and validating the electoral rolls prepared in respect of other municipalities. Thereupon, B filed a writ petition before the High Court contending that the Ordinance was unconstitutional. The High Court found that the Ordinance contravened Article 14 of the Constitution, that it did not successfully cure the invalidity and that it offended Art. 254(1) of the Constitution as it was inconsistent with many Central Acts falling in the concurrent list and was unconstitutional. The State and the Councillors appealed and challenged the findings of the High Court.

This Court held that s. 3(1) of the Ordinance effectively removed the defects in the electoral rolls found by the High Court by its judgment and that it successfully cured the invalidity of the electoral roll and of the elections to the Cuttack Municipality.

The Solicitor General also cited other decisions to show that a legislature can validate proceedings rendered invalid by judgment of court. As I said, they all involved substitution of new law with retrospective effect for the old one and the basic facts were all taken to have been admitted or not controverted. If the facts are not admitted, the legislature cannot determine them except by employing judicial process. Besides, those cases being cases of legislative validation, need not pass the test of the theory of basic structure which, I think, will apply only to constitutional amendment.

Counsel for the appellant also brought to the notice of the court certain election validation Acts passed by the House of Commons in England. These Acts removed with retrospective effect disqualifications of members of parliament. In none of these cases was an election which was being contested validated by parliament. Nor can these instances of legislative removal of disqualification furnish any assistance to this Court for the reason that in England there is no theory of basic structure operating as a fetter on the power of parliament.

It was argued for the respondent that if the amending body exercised judicial power and held the election of the appellant valid, its act was unconstitutional also on the ground

it damaged another basic structure of the Constitution, namely, the doctrine of separation of powers.

The major problem of human society is to combine that degree of liberty without which law is tyranny with that degree of law without which liberty becomes licence; and, the difficulty has been to discover the practical means of achieving this grand objective and to find the opportunity for applying these means in the ever-shifting tangle of human affairs. A large part of the effort of man over centuries has been expended in seeking a solution of this great problem. A reign of law, in contrast to the tyranny of power, can be achieved only through separating appropriately the several powers of government. If the law-makers should also be the constant administrators and dispensers of law and justice, then, the people would be left without a remedy in case of injustice since no appeal can lie under the fiat against such a supremacy. And, in this age-old search of political philosophers for the secret of sound government, combined with individual liberty, it was Montesquieu who first saw the light. He was the first among the political philosophers who saw the necessity of separating judicial power from the executive and legislative branches of government. Montesquieu was the first to conceive of the three functions of government as exercised by three organs, each juxtaposed against others. He realised that the efficient operation of government involved a certain degree of overlapping and that the theory of checks and balances required each organ to impede too great an aggrandizement of authority by the other two powers. As Holdsworth says, Montesquieu convinced the world that he had discovered a new constitutional principle which was universally valid. The doctrine of separation of governmental powers is not a mere theoretical, philosophical concept. It is a practical, work-a-day principle. The division of government into three branches does not imply, as its critics would have us think, three watertight compartments. Thus, legislative impeachment of executive officers or judges, executive veto over legislation, judicial review of administrative or legislative actions are treated as partial exceptions which need explanation(34).

There can be no liberty where the legislative and executive powers are united in the same person or body of magistrates, or, if the power of judging be not separated from the legislative and executive powers. Jefferson said : All powers of government—legislative, executive and judicial—result in the legislative body. The concentration of these powers in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands and not by a single person. One hundred and seventy three despots would surely be as oppressive as one(35). And, Montesquieu's own words would show that where the whole power of one department is exercised by the same hands which possess the whole power of another department, the fundamental principles of a free constitution are subverted. In *Federalist No. 47*, James Madison suggests that Montesquieu's doctrine did not mean that separate department might have "no partial agency in or no control over the acts of each other". His meaning was, according to Madison, no more than that one department should not possess the whole power of another.

The Judiciary, said the *Federalist*, is beyond comparison the weakest of the three departments of power. It has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment. Of the three powers Montesquieu said, the judiciary is in some measure next to nothing. If he realised the relative weakness of the judiciary at the time he wrote, it is evidence of his vision that he appreciated the supreme importance of its independence. There is no liberty, he said, if the judicial power be not separated from the legislative and executive.

But this doctrine which is directed against the concentration of these powers in the same hand has no application as such when the question is whether an amending body can exercise judicial power. In other words, the doctrine is directed

(32) (1970) 2 S.C.R. 835.

(33) (1962) Supp. 2 S. C. R. 380.

(34) see generally : "The Doctrine of Separation of Powers and its present day significance" by T. Vanderbilt.

(35) see Jefferson : Works : 3 : 223.

against the concentration of these sovereign powers in one or other organ of government. It was not designed to limit the power of a constituent body.

Whereas in the United States of America and in Australia, the judicial power is vested exclusively in courts, there is no such exclusive vesting of judicial power in the Supreme Court of India and the courts subordinate to it. And if the amending body exercised judicial power in adjudging the validity of the election, it cannot be said that by that act, it has damaged a basic structure of the Constitution embodied in the doctrine of separation of powers. Even so, the question will remain whether it could exercise judicial power without passing a law enabling it to do so. As I said, the exercise of judicial power can result only in a judgment or sentence. The constituent power, no doubt, is all embracing, comprising within its ambit the judicial, executive and legislative powers. But if the constituent power is a power to frame or amend a constitution, it can be exercised only by making laws of a particular kind.

The possession of power is distinct from its exercise (35A). The possession of legislative power by the amending body would not entitle it to pass an ordinary law, unless the Constitution is first amended by passing a constitutional law authorizing it to do so. In the same way, the possession of judicial power by the amending body would not warrant the exercise of the power, unless a constitutional law is passed by the amending body enabling it to do so. Until that is done, its potential judicial power would not become actual. Nobody can deny that by passing a law within its competence, parliament can vest judicial power in any authority for deciding a dispute or vest a part of that power in itself for resolving a controversy, as there is no exclusive vesting of judicial power in courts by the Constitution. The doctrine of separation of powers which is directed against the concentration of the whole or substantial part of the judicial power in the legislature or the executive would not be a bar to the vesting of such a power in itself. But, until a law is passed enabling it to do so, its potential judicial power would not become actual.

Lord Coke objected to the exercise of judicial power by James I for pragmatic reasons. Much of what Lord Coke said⁽³⁶⁾ can be applied to parliament when it seeks to exercise that power in its constituent capacity.

(35-A) See Jacques Maritain: 'Man and State', pp. 101-102; also the judgment of Hidayatullah J. in *Golaknath v. Punjab*, (1967) 2 S.C.R. 762.

(36) On Sunday morning, November 10, 1607, there was a remarkable interview in Whitehall between Sir Edward Coke, Chief Justice of the Common Pleas, and James I. We have only Coke's account of the interview and not the King's, but there is no reason to doubt its essential authenticity. The question between them was whether the King, in his own person might take what causes he pleased from the determination of the judges and determine them himself. This is what Coke says happened: "Then the King said that he thought the law was founded upon reason and that he and others had reason as well as the Judges; to which it was answered by me, that true it was that God had endowed His Majesty with excellent science and great endowments of nature, but His Majesty was not learned in the laws of his realm of England, and causes which concern the life, or inheritance, or goods, or fortunes of his subjects, are not to be decided by natural reason but by the artificial reason and judgment of law, which law is an act which requires long study and experience before that a man can attain to the cognisance of it; and that the law was the golden metwand and measure to try the causes of the subjects; and which protected His Majesty in safety and peace: with which the King was greatly offended, and said, that then he should be under the law, which was treason to affirm, as he said: to which I said that Bracton saith, *quod Rex non debet esse sub homine sed sub Deo et lege*." It would be hard to find a single paragraph in which more of the essence of English constitutional law and history could be found. The King ought not to be under a man, *non debet esse sub homine*, but under God and the law, *sed sub Deo et lege*.

(see R.F.V. Heuston: *Essays in Constitutional Law*, second edition, pp. 32-33.)

A sovereign in any system of civilized jurisprudence is not like an oriental despot who can do anything he likes, in any manner he likes and at any time he likes. That the Nizam of Hyderabad had legislative, judicial and executive powers and could exercise any one of them by a *firman* has no relevance when we are considering how a pro-sovereign—the holder of the amending power—in a country governed by a constitution should function. Such a sovereign can express 'himself' only by passing a particular kind of law; and not through sporadic acts. 'He' cannot pick and choose cases according to his whim and dispose them of by administering 'cadi-justice'; nor can the amending body as already noticed, pass an ordinary law, as Article 368 speaks of the constituent power of amending by way of addition, variation or repeal, any provision of the Constitution in accordance with the procedure laid down in that Article. An ordinary law can be passed by it only after amending the provisions of the Constitution authorizing it to do so.

If the basic postulate that a sovereign can act only by enacting laws is correct, then that is a limitation upon his power to do anything he likes. If I may re-phrase the classical statement of Sir Owen Dixon: the law that a sovereign can act only by law is supreme but as to what may be done by a law so made, the sovereign is supreme over that law⁽³⁷⁾. Of course, this is subject to the theory of basic structure. In other words, even though a sovereign can act only by making law, the law he so makes may vest the authority to exercise judicial power in himself; without such law he cannot exercise judicial power.

The result of the discussion can be summed up as follows: Our Constitution, by Article 329(b) visualizes the resolution of an election dispute on the basis of a petition presented to such authority and in such manner as the appropriate legislature may, by law, provide. The nature of the dispute raised in an election petition is such that it cannot be resolved except by judicial process, namely, by ascertaining the facts relating to the election and applying the pre-existing law; when the amending body held that the election of the appellant was valid, it could not have done so except by ascertaining the facts by judicial process and by applying the law. The result of this process would not be the enactment of constitutional law but the passing of a judgment or sentence. The amending body, though possessed of judicial power, had no competence to exercise it, unless it passed a constitutional law enabling it to do so. If, however, the decision of the amending body to hold the election of the appellant valid was the result of the exercise of an 'irresponsible despotism' governed solely by what it deemed political necessity or expediency, then, like a bill of attainder, it was a legislative judgment disposing of a particular election dispute and not the enactment of a law resulting in an amendment of the Constitution. And even if the latter process (the exercise of despotism) could be regarded as an amendment of the Constitution, the amendment would damage or destroy an essential feature of democracy as established by the Constitution, namely, the resolution of election dispute by an authority by the exercise of judicial power by ascertaining the adjudicative facts and applying the relevant law for determining the real representative of the people. The decision of the amending body cannot be regarded as an exercise in constituent legislative validation of an election for these reasons: firstly, there can be no legislative validation of an election when there is dispute between the parties as regards the adjudicative facts; the amending body cannot gather these facts by employing legislative process; they can be gathered only by judicial process. Secondly, the amending body must change the law retrospectively so as to make the election valid, if the election was rendered invalid by virtue of any provision of the law actually existing at the time of election; Article 368 does not confer on the amending body the competence to pass any ordinary law whether with or without retrospective effect. Clause (4) expressly excluded the operation of all laws relating to election petition to the election in question. Therefore, the election was held to be valid not by changing the law which rendered it invalid. Thirdly, the cases cited for the appellant are cases relating to legislative validation of invalid elections or removal of disqualification with retrospective effect. Being cases of legislative validation, or removal of disqualifications by legislature, they are not liable to be tested on the basis of the theory of basic structure, which, I think, is applicable only to constitutional

(37) See "law and the constitution", 50 *Law Quarterly Rev.*, 520, 604.

amendments. Fourthly, there was no controversy in those cases with regard to adjudicative facts: if there was controversy with regard to these facts, it is very doubtful whether there could be legislative validation of an election by changing the law alone without ascertaining the adjudicative facts by judicial process.

Then I come to the argument of counsel that equality is a basic structure of the Constitution and that that has been damaged or destroyed by clause (4).

The Solicitor General submitted that the majority in Bharati's case did not hold that Article 14 pertains to the basic structure, that apart from Article 14, there is no principle of equality which is a basic structure of the Constitution and that it is not a chameleon-like concept which changes its colour with the nature of the subject matter to which it is applied.

The majority in Bharati's case did not hold that Article 14 pertains to the basic structure of the Constitution. The majority upheld the validity of the first part of Article 31C: this would show that a constitutional amendment which takes away or bridges the right to challenge the validity of an ordinary law for violating the fundamental right under that Article would not destroy or damage the basic structure. The only logical basis for supporting the validity of Articles 31A, 31B and the first part of 31C is that Article 14 is not a basic structure.

Counsel for the respondent, however, submitted that even if Article 14 does not pertain to basic structure, equality is an essential feature of democracy and rule of law and that clause (4), by dispensing with the application of the law relating to election petition and matters connected therewith to the appellant and another has made an unreasonable distinction between persons similarly situated and has thereby damaged or destroyed that essential feature, and therefore, the clause is bad. He said that in so far as laws are general instructions to act or refrain from acting in certain ways in specified circumstances enjoined upon persons of a specified kind, they enjoin uniform behaviour in identical cases: that to fall under a law is *pro-tanto* to be assimilated to a single pattern; and that a plea for rule of law in this sense is, in essence, a plea for life in accordance with laws as opposed to other standards, namely, the *ad hoc* dispensation from its operation. He argued that if some persons, for no stated reason, and in accordance with no rule, obtain exemption from the operation of law, while persons who are sufficiently similar in relevant characteristics are governed by it, that is manifestly unfair, for, to allow some persons to do that which is forbidden to all others is irrational.

Democracy proceeds on two basic assumptions: (1) popular sovereignty in the sense that the country should be governed by the representatives of the people, that all power came from them, at their pleasure and under their watchful supervision it must be held; and (2) that there should be equality among the citizens in arriving at the decisions affecting them⁽³⁸⁾.

Today, it is impossible to conceive of a democratic republican form of government without equality of citizens. It is true that in the republics of Athens and Rome there were slaves who were regarded as chattels. And, even in the United States of America, there was a republic even before the Negroes were enfranchised. Our Constitution envisages the establishment of a democratic republican form of government based on adult suffrage.

Equality is a multi-coloured concept incapable of a single definition. It is a notion of many shades and connotations. The preamble of the Constitution guarantees equality of status and of opportunity. They are nebulous concepts. And I am not sure whether they can provide a solid foundation to rear a basic structure. I think the types of equality which our democratic republic guarantees are all subsumed under specific articles of the Constitution like Articles 14, 15, 16, 17, 25, etc., and there is no other principle of equality which is an essential feature of our democratic polity.

(38) see Robert A. Dahl: "A Preface to Democratic Theory", pp. 4-33; and Bryce: *Modern Democracies*, Vol. II, p. 9.

In the opinion of some of the judges constituting the majority in Bharati's case, Rule of Law is a basic structure of the Constitution apart from democracy.

The rule of law postulates the pervasiveness of the spirit of law throughout the whole range of government in the sense of excluding arbitrary official action in any sphere. 'Rule of law' is an expression to give reality to something which is not readily expressible. That is why Sir Ivor Jennings said that it is an unruly horse. Rule of law is based upon the liberty of the individual and has as its object, the harmonizing of the opposing notions of individual liberty and public order. The notion of justice maintains the balance between the two; and justice has a variable content. Dicey's formulation of the rule of law, namely, "the absolute supremacy or predominance of regular law, as opposed to the influence of arbitrary power, excluding the existence of arbitrariness, of prerogative, even of wide discretionary authority on the part of the government" has been discarded in the later editions of his book. That is because it was realized that it is not necessary that where law ends, tyranny should begin. As Culp Davis said, where the law ends, discretion begins and the exercise of discretion may mean either beneficence or tyranny, either justice or injustice, either reasonableness or arbitrariness. There has been no government or legal system in world history which did not involve both rules and discretion. It is impossible to find a government of laws alone and not of men in the sense of eliminating all discretionary powers. All governments are governments of laws and of men. Jerome Frank has said:

"This much we can surely say: For Aristotle, from whom Harrington derived the notion of a government of laws and not of men, that notions was not expressive of hostility to what today we call administrative discretion. Nor did it have such a meaning for Harrington." (39).

Another definition of rule of law has been given by Friedrich A. Hayek in his books: "Road to Serfdom" and "Constitution of Liberty". It is much the same as that propounded by the Franks Committee in England: (40).

"The rule of law stands for the view that decisions should be made by the application of known principles or laws. In general such decisions will be predictable, and the citizen will know where he is. On the other hand there is what is arbitrary. A decision may be made without principle, without any rules. It is therefore unpredictable, the anti-thesis of a decision taken in accordance with the rule of law."

This Court said in *Jaisinghani v. Union of India* (41) that the rule of law from one point of view means that decisions should be made by the application of known principles and rules, and, in general, such decisions should be predictable and the citizen should know where he is.

This exposition of the rule of law is only the aspiration for an ideal and it is not based on any down-to-earth analysis of practical problems with which a modern government is confronted. In the world of action, this ideal cannot be worked out and that is the reason why this exposition has been rejected by all practical men.

If it is contrary to the rule of law that discretionary authority should be given to government departments or public officers, then there is no rule of law in any modern state. A judge who passes a sentence has no other guidance except a statute which says that the person may be sentenced to imprisonment for a term which may extend to, say, a period of ten years. He must exercise considerable discretion. The High Courts and the Supreme Court overrule their precedents. What previously announced rules guide them in laying down the new precedents? A court of law decides a case of first impression; no statute governs, no precedent is applicable. It is precisely because a judge cannot find a previously an-

(39) see "If Men were Angels" (1942), p. 203.

(40) Report (1957) p. 6.

(41) (1967) 2. S.C.R. 703, at 718.

nounced rule that he becomes a legislator to a limited extent. All these would show that it is impossible to enunciate the rule of law which has as its basis that no decision can be made unless there is a certain rule to govern the decision.(42).

Leaving aside these extravagant versions of rule of law, there is a genuine concept of rule of law and that concept implies equality before the law or equal subjection of all classes to the ordinary law. But, if rule of law is to be a basic structure of the Constitution, one must find specific provisions in the Constitution embodying the constituent elements of the concept. I cannot conceive of rule of law as a twinkling star up above the Constitution. To be a basic structure, it must be a terrestrial concept having its habitat within the Constitution being enacted with a view to ensure the rule of law. Even if I assume that rule of law is a basic structure, it seems to me that the meaning and the constituent elements of the concept must be gathered from the enacting provisions of the Constitution. The equality aspect of the rule of law and of democratic republicanism is provided in Article 14. May be, the other articles referred to do the same duty.

Das, C. J. said that Article 14 combines the English doctrine of the rule of law and the equal protection clause of the 14th Amendment to the American Federal Constitution(43). In *State of Bengal v. Anwar Ali Sarkar*(44), Patanjali Sastri, C.J. observed that the first part of the Article which has been adopted from the Irish Constitution, is a declaration of equality of the civil rights of all persons within the territories of India and thus enshrines what American Judges regard as the "basic principle of republicanism" (45) and that the second part which is a corollary of the first is based on the last clause of the first section of the Fourteenth Amendment of the American Constitution. So, the concept of equality which is basic to rule of law and that which is regarded as the most fundamental postulate of republicanism are both embodied in Article 14. If, according to the majority in *Bharati's case*, Article 14 does not pertain to basic structure of the Constitution, which is the other principle of equality incorporated in the Constitution which can be a basic structure of the Constitution or an essential feature of democracy or rule of law? However, it is unnecessary to pursue this aspect of the question as I have already given reasons to show clause (4) to be bad.

I think clause (4) is bad for the reasons which I have already summarized. Clauses (1) to (3) of Article 329-A are severable but I express no opinion on their validity as it is not necessary for deciding this case.

Then the question is, whether the Representation of the People (Amendment) Act, 1974, and the Election Laws (Amendment) Act, 1975, are liable to be challenged for the reason that they damage or destroy a basic structure of the Constitution. Counsel for the respondent submitted that, if, by a constitutional amendment, the basic structure of the Constitution cannot be destroyed or damaged, it would be illogical to assume that an ordinary law passed under a power conferred by that instrument can do so and since these Acts damage the concept of free and fair election, the Acts were bad.

I think the inhibition to destroy or damage the basic structure by an amendment of the Constitution flows from the limitation on the power of amendment under Article 368 read into it by the majority in *Bharati's* case because of their assumption that there are certain fundamental features in the Constitution which its makers intended to remain there in perpetuity. But I do not find any such inhibition so far as the power of parliament or state legislatures to pass laws is concerned. Articles 245 and 246 give the power and also provide the limitation upon the power of these organs to pass laws. It is only the specific provisions enacted in the Constitution which could operate as limitation upon that power. The preamble, though a part of the Constitution, is neither a source of power nor a limitation.

tion upon that power. The preamble sets out the ideological aspirations of the people. The essential features of the great concepts set out in the preamble are delineated in the various provisions of the Constitution. It is these specific provisions in the body of the Constitution which determine the type of democracy which the founders of that instrument established; the quality and nature of justice, political, social and economic which was their desideratum, the content of liberty of thought and expression which they entrenched in that document, the scope of equality of status and of opportunity which they enshrined in it. These specific provisions enacted in the Constitution alone can determine the basic structure of the Constitution as established. These specific provisions, either separately or in combination determine the content of the great concepts set out in the preamble. It is impossible to spin out any concrete concept of basic structure out of the gossamer concepts set out in the preamble. The specific provisions of the Constitution are the stuff from which the basic structure has to be woven. The argument of counsel for the respondent proceeded on the assumption that there are certain norms for free and fair election in an ideal democracy and the law laid down by parliament or state legislatures must be tested on those norms and, if found wanting, must be struck down. The norms of election set out by parliament or state legislatures tested in the light of the provisions of the Constitution or necessary implications therefrom constitute the law of the land. That law cannot be subject to any other test, like the test of free and fair election in an ideal democracy.

I do not think that an ordinary law can be declared invalid for the reason that it goes against the vague concepts of democracy; justice, political, economic and social; liberty of thought, belief and expression; or equality of status and opportunity, or some invisible radiation from them.

"... (No) political terms have been so subjected to contradictory definitions as 'democracy' and 'democratic' since it has become fashionable and profitable for every and any state to style itself in this way. The Soviet Union and communist states of Eastern Europe, the Chinese People's Republic, North Korea and North Vietnam all call themselves democracies. So does Nasser's Egypt; so does General Stoessner's Paraguay; So did-Sukarno's Indonesia. Yet, if anything is clear, it is that these states do not all meet the same definition of democracy" (46).

Definitions are important, for, they are responsible in the last analysis for our image of democracy. The question is not only what does the word 'democracy' mean but also what is the thing. And, when we try to answer this latter query, we discover that the thing does not correspond to the word. So, although 'democracy' has a precise literal meaning, that does not really help us to understand what an actual democracy is. In the real world, R. A. Dahl has pointed out that, democracies are 'polyarchies'. The term democracy has not only a descriptive or denotative function but also a normative and persuasive function. Therefore, the problem of defining democracy is two-fold, requiring both a descriptive and prescriptive function. To avoid pitfalls, it is necessary to keep in mind two things—first, that a firm distinction should be made between the is and the ought of democracy, and, second, that the prescriptive and the descriptive definitions of democracy must not be confused, because the democratic ideal does not define the democratic reality and vice versa; the real democracy is not and cannot be the same as the ideal one(47). One cannot test and validity of an ordinary law with reference to the essential elements of an ideal democracy. It can be tested only with reference to the principles of democracy actually incorporated in the Constitution.

Nor can it be tested on the touchstone of justice. The modern pilate asks: What is justice? and stays not for an answer. To Hans Kelsen, justice is an irrational ideal, and regarded from the point of rational cognition, he thinks there are only interests and hence conflict of interest. Their solution, according to him, can be brought about by an Order that satisfies one interest at the expense of the other or seeks to achieve a compromise between opposing

(12) see "Discretionary Justice" by K. C. Davis.

(43) *Bashesar Nath v. The Commissioner of Income Tax*, (1959) 1 S.C.R. 528, at 550-551.

(44) (1952) S.C.R. 284 at 293.

(45) cf. *Ward v. Flood*, 17 Am. Rep. 405.

(46) see *Finer: Comparative Government* (1970) pp. 62-63.

(47) see "Democratic Theory" by Giovanni Sartori, Chapter I.

interests (48). Mr. Allen has said that the concept of social justice is vague and indefinite. (49) Liberty of thought, expression, belief, faith and worship are not absolute concepts. They are emotive words. They mean different things to different people. Equality of status and of opportunity are concepts laden with emotional overtones. In their absoluteness they are incapable of actual realisation. The enacting provisions in the body of the Constitution alone give concrete shape to these ideas and it is on the basis of these provisions that the validity of ordinary law should be tested.

The democracy which our Constitution-makers established is based on the representation of the people in the law-making organs. The method by which this representation has to be effectuated has been provided in the Constitution. Part XV of the Constitution deals with the topic of elections. Article 326 provides that elections to the House of the people and to the legislative assemblies of States should be on the basis of adult suffrage. Articles 327 and 328 provide for making of laws with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses. The validity of any law relating to the delimitation of constituencies or the allotment of seats to the constituencies, made or purporting to be made under Article 327 or Article 328 shall not be called in question in any court (see Article 329(a)).

This would indicate that the Constitution has entrusted the task of framing the law relating to election to parliament, and, subject to the law made by parliament, to the State legislatures. An important branch of the law which sounds in the area of free and fair election, namely, delimitation of constituencies and allotment of seats to such constituencies is put beyond the cognizance of court. When it is found that the task of writing the legislation on the subject has been committed to parliament and state legislatures by the Constitution, is it competent for a court to test its validity on the basis of some vague norms of free and fair election? I think not. As I said, like other laws made by Parliament or State Legislatures, the laws made under Articles 327 and 328 are liable to be tested by Part III of the Constitution or any other provision of the Constitution; but it is difficult to see how these laws could be challenged on the ground that they do not conform to some ideal notions of free and fair election to be evolved by the court from out of airy nothing.

The doctrine of the 'spirit' of the Constitution is a slippery slope. The courts are not at liberty to declare an act void, because, in their opinion, it is opposed to the spirit of democracy or republicanism supposed to pervade the Constitution but not expressed in words. When the fundamental law has not limited, either in terms or by necessary implication, the general powers conferred upon the legislature, we cannot declare a limitation under the notion of having discovered some ideal norm: of free and fair election.

Cooley has observed that courts are not at liberty to declare statutes void because they appear to the minds of the judges to violate fundamental principles of republican government, unless it shall be found that those principles are placed beyond legislative encroachment by the Constitution. The principles of democratic republican government are not a set of inflexible rules; and unless they are specifically incorporated in the Constitution, no law can be declared bad merely because the Court thinks that it is opposed to some implication drawn from the concept (50).

Counsel for the respondent relied upon the observations of Sikri, C.J. at p. 216, Shelat and Grover JJ. at p. 292, Hegde and Mukherjea, JJ. at p. 355 and Reddy, J. at p. 556 in their judgments in Bharati's case (1) in support of his contention that when these Acts were put in the Ninth Schedule by the constitutional amendment, their provisions became vulnerable to attack if they or any one of them damaged or destroyed the basic features of democracy or republicanism.

(48) "General Theory of Law and State" (1946) p. 13.

(49) "Aspects of Justice", p. 31.

(50) see Constitutional Limitations, 8th ed., Vol. 1, pp. 349-352.

Sikri, C.J. has said that the Constitution 29 Amendment Act, 1971, is ineffective to protect the impugned Acts there if they abrogate or take away fundamental rights. This would not show that the learned Chief Justice countenanced any challenge to an Act on the ground that the basic structure of the Constitution has been damaged or destroyed by its provisions not constituted by the fundamental rights abrogated or taken away. In other words, if by taking away or abridging the fundamental rights, the basic structure of the Constitution is damaged or destroyed, then, according to the learned Chief Justice, the legislation would be vulnerable on that score, even though it is put in the Ninth Schedule by a constitutional amendment. But it would not follow that an Act so put can be challenged for a reason not resulting from the taking away or abrogation of the fundamental right. To put it differently, even though an Act is put in the Ninth Schedule by a constitutional amendment, its provisions would be open to attack on the ground that they destroy or damage the basic structure if the fundamental right or rights taken away or abrogated pertains or pertain to basic structure. But the Act cannot be attacked, if I may say so, for a collateral reason, namely, that the provisions of the Act have destroyed or damaged some other basic structure, say, for instance, democracy or separation of powers.

Shelat and Grover, JJ. have said in their judgment that the 29th Amendment is valid, but the question whether the Acts included in the Ninth Schedule by that Amendment or any provision of those Acts abrogates any of the basic elements of the constitutional structure or denudes them of their identity will have to be examined when the validity of those Acts comes up for consideration. Similar observations have been made by Hegde and Mukherjea, JJ. and by Reddy, J. Khanna, J. only said that the 29th Amendment was valid.

It is rather strange that an Act which is put in the Ninth Schedule with a view to obtain immunity from attack on the ground that the provisions thereof violate the fundamental rights should suddenly become vulnerable on the score that they damage or destroy a basic structure of the Constitution resulting not from the taking away or abridgment of the fundamental rights but for some other reason.

There is no support from the majority in Bharati's case for the proposition advanced by counsel that an ordinary law, if it damages or destroys basic structure should be held bad or for the proposition that a constitutional amendment putting an Act in the Ninth Schedule would make the provisions of the Act vulnerable for the reason that they damage or destroy a basic structure constituted not by the fundamental rights taken away or abridged but some other basic structure. And, in principle, I see no reason for accepting the correctness of the proposition.

The Constitution-makers eschewed to incorporate the 'due process' clause in that instrument apprehending that the vague contours of that concept will make the court a third chamber. The concept of a basic structure as brooding omnipresence in the sky apart from the specific provisions of the Constitution constituting it is too vague and indefinite to provide a yardstick to determine the validity of an ordinary law.

So if it be assumed that these election laws amendment Acts, even after they were put in the Ninth Schedule by constitutional amendment remained open to attack for contravention, if any, of the fundamental rights, these Acts would not be open to attack on the ground that their provisions destroyed or damaged an essential feature of democracy, namely, free and fair election. The Acts remain part of the ordinary law of the land. They did not attain the status of constitutional law merely because they were put in the Ninth Schedule. The utmost that can be said is, as I indicated, that even after putting them in the Ninth Schedule, their provisions would be open to challenge on the ground that they took away or abrogated all or any of the fundamental rights and therefore damaged or destroyed a basic structure if the fundamental rights or right taken away or abrogated constitute or constitutes a basic structure.

Counsel for the respondent then contended that retrospective operation has been given to the provisions of these Acts and that that would destroy or damage an essential feature of democracy viz., free and fair elections. The argument

was that if one set of laws existed when an election was held and the result announced, you cannot thereafter substitute another set of laws and say that those laws must be deemed to have been in operation at the time when the election was held and the result announced, as that would lead to inequality, injustice and unfairness.

Retrospective operation of law in the field of election has been upheld by this Court (see *Kanta Kathuria v. Manak Chand*(32). Retrospective operation of any law would cause hardship to some persons or other. This is inevitable; but that is no reason to deny to the legislature the power to enact retrospective law. In the case of a law which has retrospective effect, the theory is that the law was actually in operation in the past and if the provisions of the Acts are general in their operation, there can be no challenge to them on the ground of discrimination or unfairness merely because of their retrospective effect. In other words, if an Act cannot be challenged on the ground that its provisions are discriminatory or unreasonable if it is prospective in operation, those provisions cannot be attacked on these grounds merely because the provisions were given retrospective effect, unless there are special circumstances. I see no such special circumstances here.

I therefore hold that these Acts are not liable to be challenged on any of the grounds argued by counsel.

Counsel for the respondent submitted that the session of parliament in which the Election Laws Amendment Act, 1975 and the 39th Amendment to the Constitution were passed was not properly convened and therefore the amendments were invalid.

The argument was that a number of members of the two Houses of Parliament were illegally detained by executive orders before the summoning of the two Houses and that was made possible by the President—the authority to summon the two Houses—making an order under Article 359 of the Constitution on 27-6-1975, which precluded these members from moving the court and obtaining release from illegal detention and attending the session. In effect, the contention of counsel was that the authority to summon parliament effectually prevented by its order made under Article 359, those members who were illegally detained from attending the session and, as the composition of the session was unconstitutional, any measure passed in the session would be bad. Reliance was placed by counsel upon the decision in *A. Nambiar v. Chief Secretary* (51) in support of this proposition.

The question which fell for consideration in that case was whether, when a member of parliament was convicted for a criminal offence and was undergoing a sentence in pursuance thereof, he has an unconditional right to attend a session of parliament. This Court held that he had no privilege which obliged the court to release him from custody in order to enable him to attend the session. This decision has no relevance to the point in controversy here.

In England, a member of parliament who is convicted of a criminal offence and is undergoing sentence in pursuance to his conviction has no right or privilege to be released from custody for attending parliament. The very same principle will apply in the case of a detention under an emergency regulation(52).

In England, it was taken as settled that parliamentary roll is conclusive of the question that a bill has been passed by both houses of parliament and has received royal assent and no court can look behind the roll as such an inquiry would be an interference with the privilege of parliament. Lord Campbell said in *Edinburgh & Dalkeith Ry. v. Wauchope*(53):

"I think it right to say a word or two upon the point that has been raised with regard to an Act of Parliament being held inoperative by a court of justice because the forms prescribed by the two Houses to be observed in the passing of a Bill have not been exactly

followed... I cannot but express my surprise that such a notion should have prevailed. There is no foundation for it. All that a court of justice can do is to look to the Parliamentary Roll; If from that it should appear that a Bill has passed both Houses and received the Royal Assent, no court of justice can inquire into the mode in which it was introduced in Parliament, nor into what was done previous to its introduction, or what passed in Parliament during its progress in its various stages through both Houses."

It has since been said that Parliamentary Roll is not conclusive, that when the jurisdiction of a court is invoked, it has power to determine whether everything necessary has been done for the production of a valid statute, that rule of law requires that the court should determine legal questions raised before it and if its jurisdiction is properly invoked, it has to answer the question whether the document is a statute duly enacted by a Parliament. They view as propounded has been summarized as follows:

"(1) Sovereignty is a legal concept: the rules which identify the sovereign and prescribe its composition and functions are logically prior to it.

(2) There is a distinction between rules which govern, on the one hand, (a) the composition, and (b) the procedure, and on the other hand (c) the area of power, of a sovereign legislature.

(3) The courts have jurisdiction to question the validity of an alleged Act of Parliament on grounds 2(a) and 2(b), but not on ground 2(c)."(54).

The reasons for the view are these: When the purported sovereign is anyone but a single actual person, the designation of him must include the statement of rules for the ascertainment of his will, and these rules, since their observance is a condition of the validity of his legislation, are rules of law logically prior to him(55). The extraction of a precise expression of will from a multiplicity of human being is, despite all the realists say, an artificial process and one which cannot be accomplished without arbitrary rules. It is therefore an incomplete statement to say that in a state such and such an assembly of human beings is sovereign. It can only be sovereign when acting in a certain way prescribed by law. At least some rudimentary manner and form is demanded of it: the simultaneous incoherent cry of a rabble, small or large, cannot be law, for it is unintelligible(56).

Sir, Frederick Pollock has said that supreme legal power is in one sense limited by the rules which prescribe how it shall be exercised. Even if no constitutional rule places a limit or boundary to what can be done by sovereign legal authority, the organs which are to exercise it must be delimited and defined by rules(57).

So, the questions to be asked are: how is Parliament Composed? How does parliament express its will?

The rules which identify the sovereign are as important as the institution so identified. If this is so, it is open to the court to see whether a Parliament has been properly summoned in order to decide the question whether a measure passed by it answers the description of a statute or an Act and that Parliamentary Roll, if such a thing exists, is not conclusive.

As to Parliamentary Roll, Heuston has said:

"The 'Parliamentary Roll', whatever exactly it may have been, disappeared in England a century ago, though even good authors sometimes write as if it still exists. Since 1849 there has been no 'Roll', simply two prints of the Bill on durable vellum by Her

(53) (1842) 8 Cl. & F. 710 at p. 724.

(54) see R.F.V. Heuston: *Essays in Constitutional Law*, Second edition, pp. 6-7.

(55) see Latham: "The Law and the Commonwealth" (o.u.p. 1949), p. 523.

(56) see Latham: "What is an Act of Parliament?" (1939) *King's Counsel*, p. 152.

(57) see Geoffrey Marshall: *Constitutional Theory*, pp. 40-41.

(51) (1966) 2 S.C.R. 406.

(52) see May's *Parliamentary Practice*, 18th ed., p. 103.

Majesty's Stationery Office, which are signed by the Clerk of the Parliaments and regarded as the final official copies. One is preserved in the Public Record Office and one in the library of the House of Lords⁽⁵⁸⁾.

Article 122 (1) provides that the validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure. So, even if there is any irregularity in the procedure in the passing of the statute, it is not open to a court to question its validity. But this is distinct from the question whether the two Houses have been properly summoned and the composition of the Session was proper.

The Solicitor General said that if a member is excluded from participating in the proceeding of a House, that is a matter concerning the privilege of that House as the privilege is one of exclusion from the proceedings within the walls of the House. And, in regard to the right to be exercised within the walls of the House, the House itself is the judge. He referred to May's Parliamentary Practice (18th ed. pp. 82-83) and also to Bradlaugh v. Gossett⁽⁵⁹⁾ in this connection. He further said that if an outside agency illegally prevents a member from participating in the proceedings of the House, the House has power to secure his presence in the House and cited May's Parliamentary Practice (18th ed. pp. 92-95) to support the proposition.

These passages throw no light on the question in issue here. Ever since the decision of Holt C.J. in *Ashby v. White*⁽⁶⁰⁾ it has been settled that privilege is part of the common law and cannot affect rights to be exercised outside or independently of the House. Regularity of internal proceedings is one thing; the constitutional rights of the subject are another; and it is the latter which are in issue in a case where the question is whether the document is a statute⁽⁶¹⁾.

Article 85(1) provides that the President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

The detention of these members of parliament was by statutory authorities in the purported exercise of their statutory power. It would be strange if a statutory authority, by an order which turns out to be illegal, could prevent the Houses of Parliament from meeting as enjoined by Article 85. If a statutory authority passes an illegal order of detention and thus prevents a member of parliament from attending the House, how can the proceeding of parliament become illegal for that reason? It is the privilege of Parliament to secure the attendance of persons illegally detained. But what would happen if the privilege is not exercised by Parliament? I do not think that the proceedings of Parliament would become illegal for that reason.

The suspension of the remedy for the enforcement of fundamental rights by the order of the President under Article 359 is dependent upon a valid proclamation of emergency under Article 352. If a situation arose which authorized the President to issue a proclamation under Article 352, he could also suspend, under Article 359, the remedy to move the court to enforce the fundamental rights. These are the constitutional functions of the President and unless it is established that the proclamation made by the President under Article 352 or the suspension under Article 359 of the remedy for enforcement of fundamental rights is unconstitutional, it is impossible to hold that the President has, in any way, illegally prevented the release of these members from the supposed illegal detention so as to

make a session of parliament unconstitutional, in consequence of the inability of those members to attend the session. In other words, the President, in performing his constitutional function under these articles has not authorized the illegal detention of any person let alone any member of parliament or unconstitutionally prevented the release from custody of any member. He has only discharged his constitutional functions. If this be so, it is difficult to hold that the session in which the amendments were passed was illegally convened. The challenge to the validity of the amendments on this score must be overruled.

Counsel for the respondent submitted that it is immaterial when a candidate committed a corrupt practice—whether it was before or after he became a candidate—and that an election would be set aside even if a person committed the corrupt practice before he became a candidate. Section 79(b) of the Representation of the People Act, 1951, defined the word 'candidate' as follows:—

" 'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election, and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate".

Clause 7 of the Election Laws (Amendment) Act, 1975, substituted the present definition in s. 79(b) which reads:

" 'candidate' means a person who has been or claims to have been duly nominated as a candidate at an election."

In support of the proposition that an election can be set aside even if a person has committed corrupt practice of bribery before he became a candidate, counsel cited Halsbury's Laws of England, 3rd ed., Volume 14, pages 222 (paragraph 386) and 218 (paragraph 380).

These paragraphs state that in order to constitute the offence of bribery, it does not matter how long before an election a bribe is given, provided that the bribe is operative at the time of the election, and that, time is material only when considering the question of evidence.

Counsel further said that under s. 100 of the Representation of the People Act, 1951, an election is liable to be set aside if it is found under clause (b) of sub-section (1) of that section that a returned candidate has committed corrupt practice; that ex hypothesi, a returned candidate cannot commit a corrupt practice, and therefore, it is not the description of a person as a returned candidate that is material. He argued that if in s. 100(1)(b) the word 'returned candidate' is used not with the idea of indicating that a person should have committed corrupt practice after he became a returned candidate, there is no reason to think that the word 'candidate' in s. 123(7) has been used to show that the corrupt practice therein mentioned should have been committed after a person has become a 'candidate' in order that the election of the candidate might be set aside.

There can be no doubt that s. 100(1)(b), when it speaks of commission of corrupt practice by a returned candidate, it can only mean commission of corrupt practice by a candidate before he became a returned candidate. Any other reading of the sub-section would be absurd. But there is no such compulsion to read the word 'candidate' in s. 123(7) in the same manner. It is the context that gives colour to a word. A word is not crystal clear. Section 79 of the Act indicates that the definitions therein have to be read subject to the context.

The legislature must fix some point of time before which a person cannot be a 'candidate' in an election, and, a wide latitude must be given to the legislature in fixing that point. In *Union of India and Another, etc. v. M/s. Parameswaran Match Works, etc.*⁽⁶²⁾, this Court observed:

"The choice of a date as a basis for classification cannot always be dubbed as arbitrary even if no particular reason is forthcoming for the choice unless it is shown to be capricious or whimsical in the circumstances. When it is seen that a line or point

(58) Essays in Constitutional Law, p. 18 (2nd ed.).

(59) 12 Q.B.D. 271, 285-286.

(60) (1703) 14 St. Tr. 695.

(61) see Houston: Essays in Constitutional Law, 2nd ed., p. 22.

(62) Civil Appeals Nos. 262-273, 587-591 & 1351-1402 of 1971 and 1883-1921 of 1972, decided on 4-11-1974.

there must be, and there is no mathematical or logical way of fixing it precisely, the decision of the legislature or its delegate must be accepted unless we can say that it is very wide of the reasonable mark. See *Louisville Gas Co. v. Alabama Power Co.* (33) per Justice Holmes."

The learned Chief Justice has, in his judgment, referred to the relevant English statutes and the decisions of the English Courts bearing on this point and has pointed out the difference between the English Law and the Indian Law. I do not consider it necessary to cover the same ground. I agree with his conclusion on the point.

I would therefore hold that even if it be assumed that the finding of the High Court that the appellant obtained or procured the assistance of Shri Yashpal Kapur during the period from January 7 to 24, 1971, is correct, the appellant shall not be deemed to have committed corrupt practice under s. 123(7) of the Representation of the People Act, 1951, as she became a candidate only on February 1, 1971. The learned Chief Justice has also dealt with the contention urged by counsel for respondent that clause 8(b) of the Election Laws Amendment Act, 1975 suffers from the vice of excessive delegation and is arbitrary. I agree with his reasoning for repelling the same.

There can be no dispute that if the Election Laws Amendment Act, 1975, is valid, the appeal has to be allowed. I would, therefore, set aside the findings of the High Court against the appellant and allow the appeal without any order as to costs. In the cross appeal, the only question raised was about the correctness of the finding of the High Court that the appellant has not exceeded the prescribed limit of election expense. For the reasons given by Khanna, J. in his judgment, I hold that the finding of the High Court on this issue was correct. In this view, I have no occasion to reach the other questions argued. I would dismiss the cross appeal without any order as to costs.

New Delhi,

November 7, 1975.

K. K. MATHEW, J.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 887 OF 1975

Smt. Indira Nehru Gandhi. Appellant

Vs.

Shri Raj Narain & Anr. Respondents.

AND

CIVIL APPEAL NO. 909 OF 1975

Shri Raj Narain. Appellant.

Vs.

Smt. Indira Nehru Gandhi & Anr. Respondents.

JUDGMENT

BEG, J.—There are two Election Appeals Nos. 887 and 909 of 1975, before us under Section 116A of the Representation of the People Act of 1951 (hereinafter referred to as 'the Act'). They are directed against decisions on different issues contained in the same judgment of a learned Judge of the Allahabad High Court allowing an election petition filed by Shri Raj Narain (hereinafter referred to as the 'Election-Petitioner'), a defeated candidate at the election held in February, 1971, for the membership of the Lok Sabha or the House of the People, against Shrimati Indira Nehru Gandhi, the Prime Minister of India (hereinafter referred to as 'the Original Respondent'). The election-petitioner is the respondent in Appeal No. 887 of 1975 filed by the original respondent. He is the appellant in Appeal No. 909 of 1975 where the original respondent is the contesting respondent.

(63) 240 U.S. 30, at 32.

Before the election case, instituted on 24-4-1971, could be decided by the Trial Court, an explanation was added to Section 77(1) of the Act. It had some bearing on questions relating to the expenses incurred on the original respondent's election, sought to be raised by the election-petitioner, but, on findings of fact recorded by the Trial Court, it became immaterial for the merits of the case and would continue to be that so long as the election-petitioner is unable to dislodge the Trial Courts findings on election expenses. Other amendments were made by the Election Laws (Amendment) Act No. 40 of 1975, (hereinafter referred to as the 'Act of 1975'), notified on 6-8-1975, after the decision of the case by the learned Judge of the Allahabad High Court on 12-6-1975 and after the filing of the appeals before us. These amendments deal directly with several questions decided by the Allahabad High Court which were pending consideration before this Court. Finally, came the Constitution (Thirty-Ninth) Amendment Act of 1975, (hereinafter referred to as the '39th Amendment'), gazetted on 10-8-1975, just before the commencement of the hearing of the appeals by this Court.

It was submitted by the learned Counsel for the original respondent, in his opening address, that Section 4 of the 39th Amendment, adding clause (4) to Article 329A of the Constitution, meant that Parliament itself acting in its Constituent capacity, had taken the case in hand and had, after applying its own standards, decided it in favour of the original respondent so that the jurisdiction of this Court to go into the merits of the case was ousted by clause (4), read with clause (5) and (6) sought to be added to Article 329A of the Constitution. It was submitted by him that each one of the amendments of the Act was aimed at removing genuine uncertainties or doubts about what the law was so that it may be brought into the line with what it had been previously understood to be as declared by this Court, or, in any case, with what Parliament, correctly exercising its unquestionable law making powers, thought that it should be.

The constantly recurring and vehemently pressed theme of the arguments of the learned Counsel for the election-petitioner was that the context and the contents of the Acts of 1974 and 1975, and, after that, of Section 4 of the 39th Amendment, clearly indicated that the whole object of the Acts of 1974 and 1975 and of the Constitutional amendment was an oblique one: to deprive the election-petitioner of the remedies he had under the law against an election vitiated by corrupt practices, and of the benefits of a decision of the High Court in his favour by taking away its grounds and then the jurisdiction of Courts, which existed at the time of the 39th Amendment, to deal with the case so that this case may not, in any event, terminate in favour of the election-petitioner. It was repeatedly suggested by the learned Counsel for the election-petitioner, throughout his arguments, that the law making powers had been really abused by a majority in Parliament for the purposes of serving majority party and personal ends which were constitutionally unauthorised. It was even alleged that the President of India had also become a party to the misuse of Constitutional powers by passing an ordinance depriving Courts, of jurisdiction to entertain Habeas Corpus petitions so that members of Parliament belonging to opposition parties, detained under preventive detention laws, may not secure release and oppose proposals which became embodied in the 1975 Act and the 39th Amendment. It is when the country is faced with issues of this nature that the constitutionally vital role of the judiciary, as a coordinate and independent organ of a democratic system of government, comes into prominence and has to be performed without fear or favour, affection or illwill, as the custodian of constitutionality.

In the circumstances indicated above, it seemed to me to be absolutely essential for us to call upon the parties defending or assailing the 39th Amendment and the Acts of 1974 and 1975, to take us, inter-alia, into the merits of the cases of the two sides and the findings given by the trying Judge so as to enable us to see how far these findings were justifiable under the law as it stood even before the amendments by the Acts of 1974 and 1975, how they were affected by these amendments, and how they were related to the validity of Section 4 of the 39th Amendment. Speaking for myself, I clearly indicated to learned Counsel for the parties that I regard the nature and merits of the case decided to be of crucial importance not only in considering the validity of the 39th Amendment and of the Acts of 1974 and 1975, but also in the wider interests of justice which are bound to

be served by the vindication of the case of the party which should, on merits, win. Elementary considerations of justice required that the party with a better case should not be deprived of an opportunity of justifying its position, on facts and law touching the merits of the case, in the highest Courts of the land, particularly when the original respondent, who happens to be the Prime Minister of this country, was accused of corrupt practices to secure her election and then abuse of constitutional power and position to shield them. The high office of the original respondent, far from disabling this Court from investigating such allegations, ought to provide a good ground for this Court to go into the merits of the case if we are not really deprived of our jurisdiction to do that by Section 4 of the 39th Amendment. This follows from the Rule of law, as I understand it, embodied in our Constitution. National interests cannot, or, at least, should not, I believe, suffer if justice and right, as determined by the highest Court in the country, prevail.

Citizens of our country take considerable pride in being able to challenge before superior Courts even an exercise of constituent power, resting on the combined strength and authority of Parliament and the State legislatures. This court, when properly called upon by the humblest citizen, in a proceeding before it, to test the Constitutional validity of either an ordinary statute or of a Constitutional amendment, has to do so by applying the criteria of basic constitutional purpose and constitutional prescribed procedure. The assumption underlying the theory of judicial review of all law making, including fundamental law making is that Courts, acting as interpreters of what has been described by some political philosophers (See : Bosanquet's "Philosophical Theory of the State" Chap. V, p. 96-115) as the "Real Will" of the people, embodied in their constitution and assumed to be more lasting and just and rational and less liable to err than their "General Will", reflected by the opinions of the majorities in Parliament and the State Legislatures for the time being, can discover for the people the not always easily perceived purposes of their Constitution. The Courts thus act as agents and mouthpieces of the "Real Will" of the People themselves. Although, judges, in discharging their onerous constitutional duties, cannot afford to ignore the limitations of the judicial technique and their own possibly greater liability to err than legislators could on socio-economic issues and matters of either social philosophy, or practical policy, or political opinion only, yet, they cannot, without violating their oaths of office, fail to elucidate and uphold a basic constitutional principle or norm unless compelled by the law of the Constitution to abstain from doing so. One of these basic principles seems to me to be that, just as Courts are not constitutionally competent to legislate under the guise of interpretation, so also neither our Parliament nor any State Legislature, in the purported exercise of any kind of law-making power, perform an essentially judicial function by virtually withdrawing a particular case, pending in any Court, and taking upon itself the duty to decide it by an application of law or its own standards to the facts of that case. This power must at least be first constitutionally taken away from the Court concerned and vested in another authority before it can be lawfully exercised by that other authority. It is not a necessary or even a natural incident of a "Constitution power". As Hans Kelsen points out, in his "General theory of Law and the State" (See: p. 143), while creation and annulment of all general norms, whether basic or not so basic, is essentially a legislative function, their interpretation and application to findings reached, after a correct ascertainment of facts involved in an individual case, by employing the judicial technique, is really a judicial function. Neither of the three constitutionally separate organs of State can, according to the basic scheme of our Constitution today leap outside the boundaries of its own constitutionally assigned sphere or orbit of authority into that of the other. This is the logical and natural meaning of the principle of supremacy of the Constitution.

Issues raised before us relating to the validity of the 39th Amendment and the Acts of 1974 and 1975 were : What are the Constitutional purposes and ambit of the "Constituent power" found in Article 368 of our Constitution? Were they in any way, exceeded by the constituent authorities in making the 39th Amendment in an unauthorised manner, or for objects which, however, laudable, were outside the scope of Article 368? Was there any procedural irregularity in the composition of Parliament which could enable this Court to hold that there was a basic defect in the enactment of either the 1975 Act of the 39th Amendment? Whether provisions of the Acts of 1974 and 1975 are immune from attack even

on the ground that they resulted in a departure from the "basic structure" of our Constitution as explained by this Court in His Holiness Kesavananda Bharti Sripadaqalavaru Vs. State of Kerala, (1) by having been included in the 9th Schedule of our Constitution, which does protect them from a challenge on the ground of any contravention of Part III guaranteeing fundamental rights to citizens and other persons, or, in other words, were the limits of the basic structure only operative against Constitutional amendments or apply to ordinary statutes as well? Are any of the provisions of the Acts of 1974 and 1975 void for departures from or damage to any part of the "basic structure" of our Constitution or for any other excess or misuse of law making powers?

We do not, when such a case comes up before us, concern ourselves with the validity of provisions other than those which affect the case before us. Nor do we consider the objects of any provision, in vacuo, divorced from the facts of the case to be decided. Therefore, parties had to and did address us on the broad features of the findings given by the learned Trial Judge and the nature of the evidence given to support them so that we may be able to decide, *inter alia*, whether any "validation" of the original respondent's election, which was the evident purpose of clause (4) of Article 329A sought to be added by Section 4 of the 39th Amendment, was at all necessary. If that election was not really void and had been wrongly held by the Trial Court to be vitiated, it did not need to be validated at all. In that event, a purported validation would be an exercise in futility before this Court had decided these appeals. Could it not be said that the intended validation was premature inasmuch as it proceeded on a basically erroneous promise that the original respondent's election was invalid when the question of its validity was sub-judice in this Court? How could such a premise be assumed to be correct before this Court had gone into merits and decided the appeals pending before it? Such an inquiry is not irrelevant if the very nature and purpose of the exercise of a power are put in issue by both sides.

If the existence of the judgment of the Allahabad High Court created the impression that it must be assumed to be correct even before this Court had pronounced upon the correctness of the judgment, the stay order given by this Court should have removed it. The legal effect of that stay order was that the Trial Court's order, to use the language of Section 116A(4) of the Act, "shall be deemed never to have taken effect". It did not matter if the stay order, out of deference for existing precedents, had been framed in the form of a "conditioned" stay, that is to say, a stay in law and effect with certain conditions annexed. It was not a "conditional" stay. Indeed, having regard to the nature of the order the operation of which was to be stayed, there could be no "conditional" stay here. As to the legal effect of such a stay order, there is no doubt in my mind that, considering the clear words of Section 116A(4) of the Act, it deprived the order of the High Court of any operative force whatsoever during the pendency of these appeals. There could be really no binding precedent in discretionary matters depending on the facts and circumstances of each case. The operation of the judgment of the Trial Court and the consequential orders are stayed only on "sufficient case" shown on the facts of that case. In the case before us, the sufficient cause seems to me to be apparent from a bare perusal of the judgment of the Trial Court. As I have pointed out below, the judgment under appeal contains glaringly erroneous conclusions, reached by ignoring what has been repeatedly laid down in election cases by this Court, even if one were to assume, for the sake of argument that all the findings of fact recorded by the Trial Court, including some very questionable ones, on which its conclusions rest, were correct.

In a case where the bonafides of legislation and even of a Constitutional amendment, is questioned on the ground of a suggested frightfulness in the facts of the case which Parliament and the ratifying State Legislatures are to be supposed if we are to accept the suggestion, to have been acting in concert to prevent this Court from examining on merits, it was, I think, the duty of Counsel making any such suggestion to invite our attention to any fact not fully disclosed or discussed in the judgment under appeal at least when he was asked, as I repeatedly asked him in the course of his arguments

(1) 1973 (1) Suppl. S.C.R. p. 1.

extending over a period of about fifteen days out of a total period of hearing of the case for thirty-two days, how the Trial Court's conclusions on the two matters, forming the subject matter of appeal No. 887 of 1975 of the original respondent, could possibly be justified. However, I have also satisfied myself, by going through the whole evidence on record on these two matters, which I shall presently deal with, that learned Counsel for the election-petitioner could not possibly usefully add anything to the replies he actually gave on the questions put to him on these matters and to the discussion of the whole evidence on these questions by the Trial Court. I have taken pains to clarify this position as the learned Counsel for the election petitioner at the end of arguments of both sides, extending over thirty two days of actual hearing, stated that he had argued on the assumption that we will be concerned only with the validity of the 39th Amendment and the validity and correct interpretation of the Acts of 1974 and 1975. I think that it was made clear to him that we will have to enter into the merits if that was necessary, as I think it is, for judging whether amendments in law were either necessary or justified. Learned Counsel for the election-petitioner was not prevented from dealing with any question, whether of fact or law, which he may have wanted to raise. Learned Counsel for both sides had fully argued atleast the election petitioner's appeal No. 909 of 1975 on facts and law. They had taken us sufficiently into facts and findings involved in the original respondent's appeal No. 887 of 1975 to justify our dealing with all questions necessary to decide this appeal on merits also. Indeed, it is not necessary for us to go beyond findings of fact recorded by the learned Judge, as distinct from conclusions based upon them which are questions of law, to demonstrate the very palpable errors committed by the learned Judge on the two questions which are the subject matter of appeal No. 887 of 1975.

Shrimati Indira Nehru Gandhi was elected to the House of the People from the Rae Bareilly constituency in Uttar Pradesh by an overwhelming majority of 1,11,800 votes against Shri Raj Narain. As is not unusual, the defeated candidate filed an election petition under the Act making all kinds of allegations, including some quite extravagant ones, which formed the subject-matter of the first set of eleven issues framed on 19-8-1971. Thereafter, three additional issues were framed on 27-4-1973 when the question whether an amendment of the petition, sought after the period of limitation for filing a petition to challenge the election had expired, should be permitted, had been finally decided by this Court in favour of Shri Raj Narain.

The issues framed give an idea of the cases set up on behalf of the two sides. They were :

ISSUES

1. Whether respondent No. 1 obtained and procured the assistance of Yashpal Kapur in furtherance of the prospects of her election while he was still a Gazetted Officer in the service of Government of India. If so, from what date ?
2. Whether at the instance of respondent No. 1 members of the Armed forces of the Union arranged Air Force Planes and helicopters for her, flown by members of the Armed Forces, to enable her to address election meetings on 1-2-1971 and 25-2-71, & if so, whether this constituted a corrupt practice under section 123(7) of the Representation of the People Act ?
3. Whether at the instance of respondent No. 1 and her election agent Yashpal Kapur, the District Magistrate of Rae Bareilly, the Superintendent of Police of Rae Bareilly and the Home Secretary of U.P. Government arranged for restrains, loudspeakers and barricades to be set up and for members of the Police Force to be posted in connection with her election tour on 1-2-1971 and 25-2-1971; and, if so, whether this amounts to a corrupt practice under Section 123(7) of the Representation of the People Act?
4. Whether quilts, blankets, dhoties and liquor were distributed by agents and workers of respondent No. 1 with the consent of her election agent Yashpal Kapur, at the places and on the dates mentioned

in Schedule A of the petition in order to induce elections to vote for her?

5. Whether the particulars given in paragraph 10 and Schedule A of the petition are too vague and general to afford a basis for allegations of bribery under Section 123(1) of the Representation of the People Act?
6. Whether by using the symbol cow and calf, which had been allotted to her party by the Election Commission in her election campaign the respondent No. 1 was guilty of making an appeal to a religious symbol and committed a corrupt practice as defined in section 123(3) of the Representation of the Act?
7. Whether on the dates fixed for the poll voters were conveyed to the polling stations free of charge on vehicles hired and procured for the purpose by respondent No. 1's election agent Yashpal Kapur, or other persons with his consent, as detailed in Schedule B to the petition?
8. Whether the particulars given in paragraph 12 and schedule B of the petition are too vague and general to form a basis for allegations regarding a corrupt practice under Section 123(5) of the Representation of the People Act ?
9. Whether respondent No. 1 and her election agent Yashpal Kapur incurred or authorised expenditure in excess of the amount prescribed by Section 77 of the Representation of the People Act, read with rule 90, as detailed in para 13 of the petition ?
10. Whether the petition had made a security deposit in accordance with rules of the High Court as required by Section 117 of the Representation of the People Act?
11. To what relief, if any, is the petitioner entitled?

ADDITIONAL ISSUES

1. Whether respondent No. 1, obtained and procured the assistance of Yashpal Kapur in furtherance of the prospects of her election while he was still a Gazetted Officer in the service of the Government of India. If so, from what date?
2. Whether respondent No. 1 held herself out as a candidate from any date prior to 1-2-1971 and if so, from what date?
3. Whether Yashpal Kapur continued to be in the service of Government of India from and after 14-1-1971 or till which date?

The High Court trying the case had, in the course of a lengthy judgment, rejected the election-petitioner's case on issues Nos. 2, 4, 6, 7, and 9 of the first set of issues, after minutely and meticulously scrutinizing every material allegation of the election-petitioner and the evidence given in support of it on each of these issues. Out of these, the election-petitioner, in his cross appeal No. 909 of 1975, has questioned the findings of the High Court only on issues Nos. 2, 4, 6, 7 and 9 set out above. Issues Nos. 5 & 8 and 10, decided in favour of the election-petitioner, were technical and are immaterial now. It will be noticed that the additional issue No. 1, due to some error or oversight, is an exact and unnecessary repetition of the initial issue No. 1. Additional issues numbered 2 & 3 are connected with and subsidiaries of the initially framed issues numbered 1 and 3.

The learned Trial Judge had accepted the election-petitioner's case on the material issues numbered 1 and 3 of the initially framed issues, and on the overlapping and subsidiary additional issues 1, 2, and 3. He was of opinion that Shri Yashpal Kapur, a Central Government servant and a Gazetted Officer of the rank of an Under Secretary, deputed to serve in the Prime Minister's Secretariat as an Officer on Special Duty, had held his post until 25-1-1971, when his resignation tendered on 13-1-1971, was accepted by the President of India with effect from 14-1-1971, by means of a notification published on 6-2-1971. Consequently, the

learned Judge set aside the election of the original respondent after holding that she was guilty of a "corrupt practice", as defined by Section 123 (7) of the Act, on each of two grounds; firstly, that she must be deemed to have obtained the help of Shri Yashpal Kapur, in the furtherance of her election, before he had ceased to be a gazetted officer in Government service, and after the original respondent had first held herself out, on 29-12-1970, as a candidate at the forthcoming election from the Rae Bareilly constituency by answering in the negative a question put to her at a Press conference in New Delhi inquiring whether she had decided to change her constituency from Rae Bareilly in U.P. to Gurgaon in Haryana, and, secondly, that must be decided to change her constituency from Rae Bareilly in U.P. who got rostrums constructed for her election speeches and electricity provided and arrangements made for loud speakers. The learned Judge declared her to be disqualified under section 8A of the Act from holding her office for a period of six years from the date of his order dated 12-6-1975. I deliberately employ the word "deemed" to describe the nature of the findings of the Trial judge on both these questions because the learned judge had himself indicated that they were inferences based entirely on circumstantial and not on any direct evidence whatsoever of any instructions issued either by the original respondent or by her election agent during the period following 29-12-1970. Election Appeal No. 887 of 1975 was filed against decisions on these two questions and consequential orders of the learned Trial Judge.

The law, as found in the Act of 1951 did not, unlike the English Act of 1949, make a distinction between corrupt practices and illegal practices. Section 123 (7) as it has stood unamended, enumerates, as the last of the 7 classes of corrupt practice, as follows :

"S.123(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person with the consent of a candidate or his election agent, any assistance other than the giving of vote for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely :—

- (a) gazetted officers;
- (b) stipendiary judges and magistrates;
- (c) members of the armed forces of the Union;
- (d) members of the police forces;
- (e) excise officers;
- (f) (g) xxx xxx xxx

Explanation.—(1) In this section the expression 'agent' includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

- (2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent of that candidate".

It is clear that "the obtaining or procuring or abetting or attempting to obtain or procure" had to take place either by a candidate or by his agent or by somebody "with the consent of the candidate or his election agent". Until the candidate had appointed an election agent, the action of any other person could not constitute him automatically an agent so that he may, by doing something voluntarily, succeed in making the candidate vicariously liable for his own actions whether he was or was not gazetted officer at the time when he committed the act complained of. The question of obtaining assistance through "an agent" or "other person with the consent of a candidate or his election agent" could only arise where such a case of obtaining assistance indirectly through others is set up but not otherwise.

On issue No. 1, the case set up in paragraph 5 of the petition is :

"Smt. Indira Nehru Gandhi obtained and procured the assistance of the said Shri Yashpal Kapur for

the furtherance of prospects of her election from the constituency aforesaid inasmuch as the said Shri Yashpal Kapur was a Gazetted Officer in the service of Government of India when his assistance was obtained and procured The said Shri Yashpal Kapur on the direction of Smt. Indira Nehru Gandhi organized the electioneering work for her in the constituency during the period commencing from 27-12-1970"

It is a case of liability resulting from an alleged "direction" given by Smt. Indira Nehru Gandhi herself to Shri Kapur. No case of procurement of assistance of Shri Kapur through a third person is set up although the word "procured" is mechanically lifted from Section 123(7) and used. On issue No. 3, the case set up in para 9 of the petition is that both Smt. Indira Gandhi and her election agent, Shri Kapur, "obtained and procured" the assistance of Government officers, but no directions or orders given by anyone are mentioned there. Issue No. 1 shows that the case which was put in issue and went on trial was whether the original respondent had herself issued some direction to Shri Kapur. Issue No. 3 shows that what was in issue here was whether the Government officers mentioned there rendered the assistance indicated there "at the instance" of the original respondent or her election agent. The discussion of evidence and findings of the learned Judge, particularly on issue No. 1, show that the learned Judge had almost made out a new case for the election petitioner and accepted it. This was, on issue No. 1, whether Shri Kapur had done some acts in circumstances which justify the inference that he was constituted a de facto agent of the Prime Minister even before he was appointed her election agent on 1-2-1971, and, on issue No. 3, whether sending round of certain tour programmes with the approval of the Prime Minister, in the background of certain long standing instructions of the Comptroller & Auditor General, read with letters sent by the Government of India, as long ago as 12-1-1959, and 19-11-1969, amounted to "implied" directions by the Prime Minister or her election agent to the State Government to provide the facilities the Government officials gave. Now, whenever a case of a liability by "implication", where there is such a species of liability in law, comparable to a criminal liability, is to be fastened upon an individual, the prosecutor is to be expected, as a part of an elementary duty to give fair notice and a fair opportunity to meet what the individual has really to be made liable for, either because of some act or omission of the individual concerned, or, even more so, for that of an agent or another person for which there may be some sort of vicarious liability, from facts showing consent or agency, to give full particulars of circumstances from which such implications or vicarious liabilities may arise. I do not find that this was done here.

The law must lay down duty to prevent, by taking some steps which are not taken, before a person is held liable for an omission. And, there is a difference between omission to prevent the doing of something and actual consent to the doing of it. I do not find, in the petition, any case of a liability from omissions to do something set up, obviously because the law does not impose upon the candidate the duty to prevent the giving of voluntary assistance by others whether officials or not. Nor is there anywhere in the petition a case of procurement by consenting to aid obtain through others. It has to be remembered that, on the language of Section 123(7), a liability is not created by merely not rejecting voluntarily given aid. The candidate may not often be aware of the voluntarily given assistance so as to be able to reject it. A case of consent which can be legally set up is only one of consenting to active obtaining of procurement by an agent or by some other person who becomes, for the purposes of the specific and given and consented to ordinarily prior to obtaining it, as good as an agent employed by the candidate.

On the terms of Section 123 (7) the following three types of cases of actual obtaining of assistance, as distinguished from abetment or attempting to obtain it, can be legally set up either exclusively, or, alternatively, against a candidate: firstly, a direct obtaining of it by the act of the candidate himself; secondly, an indirect or vicarious procurement of it by the acts of a duly constituted agent; and, thirdly, an indirect or vicarious procurement of it by the acts of a person who, though not a duly constituted agent, becomes constructively an agent, for the purpose of some particular

aid obtained, because it was assented to by the candidate at a time which must, ordinarily, be before the aid is given, so that the person through whom assistance is obtained is a constructive agent for this particular aid at the time when it is given. The term procurement should, strictly speaking, apply only in the last two types of cases. A reference to Section 100(1) (b) further emphasises the position that a corrupt practice for which the High Court is to declare an election void must have been committed either "by a returned candidate or his election agent or by any other person with the consent of the returned candidate or his election agent". A case falling under Section 100(1) (b) (ii) of "a corrupt practice committed in the interest of a candidate by an agent other than his election agent" is very different and postulates: firstly, a corrupt practice which can be committed only by an agent; and, secondly, the existence of such an agent. A case falling under Section 100(1) (d) requires also proof of the further fact that result of the election was materially affected by the corrupt practice.

As I read the petition, I find only the first of the three types of cases mentioned above set up exclusively on issue No. 1 because there are no particulars there which could apply to the other two types of cases. Obviously, the case set up was not of a corrupt practice by some act of a person to which the candidate became a party by merely giving consent in which case the circumstance from which the consent was to be inferred had to be indicated. It was a case of a direction given by the Prime Minister herself to Shri Kapur who, it had to be presumed for the purposes of such a case, would not have given the aid if the direction or order was not there. This deliberately given "direction" had to be proved on the case set up. On issue No. 3, the petition mentions only what was obtained that is to say, the aid of particular officers and the form it took; but, what caused that aid to be given or the means adopted to get it were not set up there. It think these distinctions should have been borne in mind. I shall indicate below how the learned Judge, in dealing with a case of the first type only falling under Section 100(1) (b) of the Act, found in issue No. 1, mixed up facts which could, strictly speaking, be relevant only in considering a case of one of the other two types. And, in deciding issue No. 3, what really and quite naturally flowed from and was the well understood appurtenant of the office of a Prime Minister, and, indeed, absolutely necessary for the due protection of the life and freedom of movement of the holder of that high office, was mistaken by the learned Judge to be the result of some kind of assumed solicitation for aid. What the learned Judge entirely missed was that it is the act of solicitation for the aid of the officials mentioned in Section 123(7), whether successful or not, and not the mere fact that certain advantages flow quite naturally and conventionally from the occupation of an office, without any solicitation, or the mere fact that some assistance is voluntarily given by someone to an election campaign which is penalised by the provision.

The definition given above in Section 123(7) meant, on an ordinary and natural interpretation of words used, that the corrupt practice defined there could not be committed by any person before there was a "candidate" for an election. Hence, it became necessary to examine the definition of a "candidate" found in Section 79(b) which laid down :

"79. In this part and in parts VII and VIII, unless the context otherwise requires,—

- (b) 'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election, and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate;"

Section 123, defining corrupt practices, is found in Part VII of the Act. Therefore, the definition of candidate in Section 79, as it originally stood, was sought to be applied by the Trial Court to determine whether the original respondent could have committed a corrupt practice at the time of the alleged commission of it. Before, however, I deal with that question, it is necessary to examine what "obtaining, or procuring or abetting or attempting" meant in the light of the law laid down repeatedly by this Court in cases of alleged corrupt practices.

The logical consequence of placing a charge of corrupt practice on the same footing as a criminal charge is obligation to interpret the words which define it strictly and narrowly. Indeed, any natural and ordinary interpretation on the words "obtaining or procuring or abetting attempting" must carry with it the imperative requirement that the candidate concerned or his agent must have intentionally done an act which has the effect contemplated by Section 123(7). In other words, a "mens rea" or a guilty mind as well as an "actus reus" or a wrongful act must concur to produce the result contemplated by law. So far as election expenses are concerned, it is possible to conceive that even an unintentional result (i.e. expenses "incurred" exceeding the prescribed limit) may be enough so that a duty to prevent this result may be there in law. But, Section 123(7) requires actual intended acts of "obtaining" or "procuring" or attempting or abetting. For Section 123(7) results are immaterial.

In the case before us, the petition contains, as I have indicated above the necessary averment of a deliberate direction by the original respondent herself, so far as issue No. 1 is concerned, and of "obtaining" and "procuring" as regards issue No. 3. These are enough to denote the ingredients of a mens rea. But one will search the evidence in vain for any indication of mens rea of guilty intent on the part of the original respondent or of her election agent when she had appointed one. As regards both issues 1 and 3, the learned Judge seemed to think that Section 123(7) creates what is called an "absolute statutory liability", which does not require a mens rea, although, in dealing with issue No. 2, he had himself, after citing the necessary authorities, taken the view that a mens rea also essential. He had himself, in dealing with issue No. 2 distinguished Dr. Y. S. Parmar vs. Hira Singh (1) a decision with whose ratio decidendi I have never, with due respect, felt happy in so far as it meant that a charge of corrupt practice under Section 123(7) does not require proof of mens rea. It was decided on the strength of a statutory presumption. There were decisions of the Supreme Court under earlier law showing that mere appointment of a Government servant as a polling agent could not be corrupt practice. See *Satya Dev Bushahri vs. Padam Dev & Ors.* (2) *Mahendra Kumar vs. Vidyavati & Ors.* (3) *Dr. Parmar's case* (supra) had necessitated an amendment in clause (2) of Explanation 1 of Section 123(7) of the Act so that a Government servant, by merely acting as a polling agent, could not be "deemed" to have so acted as to further the prospects of a candidate's election. The learned Judge had relied in his findings on issue No. 2, on *Babu Bhai Vallabh Das Gandhi vs. Piloo Homi Mody* (4), and *Haji Abdul Wahid vs. B. V. Keskar* (5). But, when he came to issue No. 3, and, right at the end of his judgment, to issue No. 1, he appears to have overlooked the basic requirements of a mens rea and an actus reus, or, in any case, if he had these requirements in view, he erred in assuming that they existed here. I think he gravely erred in holding that some "actus reus" of the original respondent lay buried beneath circumstances which seem to me to really point in the opposite direction. Sometimes even if direct evidence is lacking, circumstantial evidence which inescapably points to a particular conclusion, may be even better. But, where is that evidence here? I fail to see it and none was pointed out to us.

Let me here quote the exact language used by the Trial Judge himself in giving his findings on the first part (relating to 27-12-1970 to 13-1-1971) of issue No. 1 of the "first set" of issues combined with the issue No. 1 of the additional issues, both issues, for some inexplicable reason, being identically worded. The learned Judge said :

"Learned Counsel for the respondent then urged that even accepting that Shri Yashpal Kapur delivered a speech at Munshiganj on 7th January, 1971 and that he canvassed support for the respondent in that speech, he was not an election agent on that date, and there is no evidence of the fact that he had been instructed to do so by the respondent No. 1. Learned Counsel stressed that, consequently, it should not be held on that basis that the respondent No. 1 obtained or procured the assistance of Shri Yashpal Kapur for the furtherance of her election prospects.

(1) AIR 1959 S.C. P. 244.

(2) 10 E. L. R. 103 (S.C.) (1954).

(3) 10 E. L. R. 214 (S.C.) (1954).

(4) 36 E. L. R. 108 @ 123-124.

(5) 21 E. L. R. 409 @ 432.

I have given my careful consideration to this argument as well, but I regret my inability to accept the same. As also stated earlier, Shri Yashpal Kapur was occupying a position of trust and confidence with the respondent No. 1 since quite a long time. During the period in question he was Officer on Special Duty in the respondent No. 1's Secretariat. In 1967 he had resigned from his post for the sake of respondent No. 1 to be able to do her election work in the constituency. After that was done, he was taken back in the respondent's Secretariat as Officer on Special Duty. Respondent No. 1 held herself out as a candidate on 29th December, 1971. On 5th of January, 1971 Raja Dimesh Singh was sent to the constituency. On 7th January, 1971 Shri Yashpal Kapur visited Rae Bareilly, and, on the own admission of respondent No. 1, he did so with previous notice to the respondent No. 1. The subsequent events also appear to be material, for, according to Shri Yashpal Kapur, immediately on return from Rae Bareilly he held a talk with the respondent No. 1 on 9th or 10th of January, 1971, on 13th January he again resigned from the post and the same day set out once again for the constituency of the respondent No. 1. It was again he who was ultimately appointed election agent for the respondent No. 1. It may be added that it was not possible to adduce any direct evidence on the point whether the respondent No. 1 instructed Shri Yashpal Kapur to go to Rae Bareilly on 7th January, 1971 for any election work. That can be inferred only on the basis of the surrounding circumstances. I have already mentioned those circumstances above and to my mind the only inference that can be drawn on the basis of those circumstances is that the respondent No. 1 went to Rae Bareilly on the aforesaid date under instruction of the respondent No. 1 for doing preliminary work pertaining to her election.

To sum, therefore, it is satisfactorily proved that the respondent No. 1 during the period ending on 13th January, 1971, obtained/procured the assistance of Sri Yashpal Kapur, a Gazetted Officer in the Government of India for the furtherance of her election prospects, inasmuch as Shri Yashpal Kapur was made to go to Rae Bareilly on 7-1-1971 and deliver a speech at Shaheed Mela in Munthiganj canvassing support for her candidature".

Now, it is a well settled rule, repeatedly laid down by this Court, that allegations of corrupt practice in the course of an election must be judged by the same standards as a criminal charge. And, no rule of evidence, in judging guilt on a criminal charge, is more firmly rooted than that no charge, resting on circumstantial evidence, could be held to be proved beyond reasonable doubt unless the chain of circumstances is so complete and so connected with the charge that it leaves no other reasonable hypothesis open for the Court to adopt except that the offender had committed the offence alleged (See : e.g. Smt Om Prabha Jain Vs. Charan Das & Anr.)(1).

The learned Judge dealt with evidence on issue No. 1 relating to the activities of Shri Yashpal Kapur by dividing it into three periods: (1) from 27-12-1970 to 13-1-1971, when Shri Kapur had not resigned from Government service; (2) from 14-1-1971 to 25-1-1971, the period after Shri Kapur's resignation upto its acceptance by the President of India evidenced by a notification dated 25-1-1971; (3) from 26-1-1971 to 6-2-1971, the period after the acceptance of Shri Kapur's resignation and upto the date of the publication of it in the official Gazette. The learned Judge considered only the first two periods material as he held the activities in the third period to be above board because Shri Kapur was free to do what he liked in this period. Hence, the fact that the original respondent appointed Shri Kapur her election agent on 1-2-1971 made no difference to the result in the third period. But, we will find that a very glaring feature of the findings relating to the first two periods is that the original respondent is held vicariously responsible without anything beyond the activities of Shri Yashpal Kapur and his position as an Officer on Special Duty in the Prime Minister's Secretariat to justify the inference that he had

an express or implied authorisation on direction from the Prime Minister to do anything in general or in particular on her behalf for her election.

Let us take the first period. What was required to be approved, beyond all reasonable doubt, from the evidence on record on this part of the case, was that Shri Yashpal Kapur had been instructed or directed by the original respondent to render the help if any, that he did give by the speech he was alleged to have made at a fair at Shaheed Mela (Martyrs' fair) at Munthiganj in Rae Bareilly on 7-1-1971, canvassing support for the original respondent's election—an allegation which Shri Yashpal Kapur had denied in so far as any mention of the original respondent's candidature is concerned. Shri Kapur admitted that he had gone there with Shri Gulzarilal Nanda, a former Minister of the Central Government, but said that he had only, when called upon to do so, paid his tribute to the memory of the martyrs.

The learned Judge held that the recollection of Shri Yashpal Kapur about what he said at the Shaheed Mela on 7-1-1971 was less reliable than the statement of Shri Vidya Shankar Yadav (P.W. 43), an Advocate belonging to an opposition party, supported by his political co-worker, Nankau Yadav (P.W. 28)—a witness who, in his transparent anxiety to appear truthful, went so far as to make the absurd assertion that he had not told anyone, before he appeared in the witness box, that he had attended the Shaheed Mela on 7-1-1971, and who could not remember either the date of his marriage or the dates of births of his children but asserted that he had noted 7-1-1971 without even having ever talked on any previous occasion to anyone about this date if he is to be believed—and, by Shri R. K. Dixit (P.W. 31), a joint editor of a newspaper, who claimed to be present on the occasion, and who, while reporting other facts and reasons in his newspaper for believing that the original respondent will stand and from the Rae Bareilly constituency, had not mentioned what he claimed in the witness box, to have heard Shri Yashpal Kapur himself say at the Mela. Obviously, both these witnesses, if they were not committing perjury, did not have good memories on their own admissions. But, the learned Judge had believed them quite unhesitatingly although the meeting at Shaheed Mela, addressed by Shri Yashpal Kapur, had not even been given any prominence in the pleadings by being atleast specifically mentioned in the petition.

The learned Judge disbelieved the evidence of the original respondent's witness Shri Sarju Prasad (R.W. 12), the Headmaster of a School, who had denied that he ever accompanied Shri Nankau (P.W. 28) to the Shaheed Mela as claimed by Nankau. The ground for holding that Shri Sarju Prasad must be deposing falsely appears to me to be very unfair both to Shri Sarju Prasad and Shri Gaya Prasad Shukla, a Congressman, who was suspected, without the slightest foundation in evidence, of having induced Shri Sarju Prasad to give perjured evidence simply because Shri Gaya Prasad, who did not even appear as a witness, was a member of the Congress (R) party and was once connected with the School in which Shri Sarju Prasad served. The learned Judge said :

"It is quite likely that once Nankau had conceded in cross-examination that Sarju Prasad had accompanied him to the Shaheed Mela, pressure was brought to bear on Sarju Prasad (R.W. 12) by Gaya Prasad Shukla in order to make him appear as a witness, in the case and give evidence to contradict the testimony of Nankau. It is true that in his re-examination Sarju Prasad (R.W. 12) admitted that on the date on which he was examined as a witness in the case the school was being run by the Government under the control of the District Basic Education Officer. However, the association that Gaya Prasad Shukla had with the Pathshala in his capacity as Adhyaksha, and consequently with Sarju Prasad, who was a teacher in that Pathshala, could not have been wiped off overnight merely because the school was taken over by the Government to be run under its own officers".

The reasons given by the learned Judge for holding that it was "abundantly clear" that Shri Ram Pal (R.W. 13), another witness of Smt. Gandhi, was "also not a truthful witness", were :

"Now, since Ramesh Chand Shukla Advocate is a resident of the same village where Ram Pal resided, and since he was an important worker for the respondent No. 1 during the election and was also her Purokasat some stage, the possibility of Ram Pal having been pressurised by Shri Ramesh Chand Shukla cannot be excluded. Together with it there is also the fact that Shri Gaya Prasad Shukla, another important worker of the respondent No. 1, happened to be the Adhyaksha of the Zila Parishad during the period the witness was examined in the case. It is a matter of common knowledge that the Adhyaksha of the Zila Parishad always yields influence in the rural areas. It will not be out of place to add that when it was put to Ram Pal in cross-examination as to which party did Sri Ramesh Chand Shukla belong, he pleaded ignorance about it. It cannot be accepted for any moment that even though Shri Shukla resided in the village in which this witness resided, and even though Shri Shukla was such a prominent worker of the Congress party, Ram Pal would not have known about it".

I do not know how, when workers of the Congress party were divided into two camps and had been changing sides, from time to time, ignorance of a worker's precise party loyalties meant that Ram Pal was untruthful. If mere possibilities of being "pressurised" or biased were enough to tar a witness as untruthful, it is difficult to see how or why the witnesses of the election petitioner, on whom lay the primary burden of proof, could escape similar treatment. V. S. Yadav, was, no doubt, an Advance. But, he was not even paying Income-tax. He felt free, on a working day in Courts, to go to the Mela. He was enthusiastic enough as a member of an opposition party to object, according to himself, to Shri Yashpal Kapur brining in the candidature of the original respondent even at a meeting which, according to him, consisted mostly of Congress (R) sympathisers. Shri Yashpal Kapur was not so ignorant or inexperienced in election matters and could not be assumed, without any evidence to support the assumption, to be so imprudent as to make a speech when he would know that, as he was still a Government servant, this would be misinterpreted.

Let us, for the sake of argument, assume that Shri Yashpal Kapur had been over-powered by such a desire to exhibit an excessive zeal, which got the better of his prudence that he, believing that a publicity made gesture of his loyalty was needed on this particular occasion, cast all caution to the winds and, while paying the tribute he was called upon to pay to the memory of the martyrs, suddenly decided to jump into the electoral fray by making an appeal at the martyr's mela to support Smt. Indira Gandhi, as though the speeches of all those local leaders who, in addition to Shri Gulzarilal Nanda, a former Minister, are said to have spoken there to the same effect, were not enough. What follows? It is here that we find the weakest link in the misty and fanciful chain of the learned Judge's logic. Where was the evidence that, whatever else Shri Yashpal Kapur may or may not have been supposed to go on his visit to Rae Bareilly, this particular piece of "frolic" or term used by law relating to scope of authority, carried the "direction" of Smt. Indira Gandhi herself behind it? Indeed, there is not only not a jot of evidence to suggest that Shri Yashpal Kapur was actually asked by Smt. Gandhi to go to Rae Bareilly to do anything for her election on this visit, but there is ample absolutely unshaken evidence of Shri Yashpal Kapur to the contrary, supported by the evidence of the Prime Minister herself, which the learned trial Judge had, for some reason, entirely ignored. In any case, it is utterly unthinkable that the Prime Minister herself could have conceivably authorised Shri Kapur to go to Munshiganj and make a public speech, while he was still a Government servant, to support her candidature. And, if he had no authority from her either to act generally or to do any particular act on her behalf, how could each and every action of Shri Kapur possibly made the Prime Minister legally liable vicariously for it?

The learned Judge, as is evident, from his summary of evidence and conclusions, relied on circumstantial evidence only. But, in order that the circumstances should have a conclusive effect, so as to exclude any reasonable hypothesis except that of guilt, they had to point in one direction only and in no other. What is the position that emerges from a consideration of the circumstances found as detailed by the learned Judge himself? It was held that Shri Yashpal Kapur was occupying

a position of trust and confidence with the original-respondent for quite a long time. Indeed, his evidence shows that he was so attached to the family of the original respondent and the political and national causes its members had represented that that he was just the type of person who could, even without the slightest suggestion on the part of the original respondent have voluntarily taken upon himself the duty to do whatever he could do in his private capacity to help her return at the election. Indeed, his private capacity, as a person attached to the family of the original respondent and to the causes espoused by its members, could very well be considered more important by him than his government service. And, this is exactly what the findings given by the learned Judge relating to services rendered by Shri Yashpal Kapur at the previous election of the original respondent, showing how he had resigned his post on a previous occasion, to help in her election, indicated.

In the passage from the judgment, quoted above, the learned Judge draws an inference of previous instruction, from the Prime Minister to Shri Kapur, to say what he is alleged to have said in a speech, because, inter alia, Shri Kapur met the Prime Minister on his return from Rae Bareilly. Again, the necessary inference of a previous intimation by Shri Kapur to the Prime Minister of his intention to visit Rae Bareilly, could not be that there was any authority or direction given by the Prime Minister to Shri Kapur to do or to say anything on her behalf. All this would lie in the realm of pure conjecture and suspicion. It left other possible and more reasonable inferences wide open.

The learned Judge had himself held, so far as use of rostrums is concerned, that the Prime Minister sheds her personality, as the holder of her office, and assumes the role of a mere candidate as soon as she ascends a platform to make an election speech. But, when the learned Judge deals with the action of Shri Kapur, in making a speech from a platform at a martyrs' mela, because Shri Kapur is called upon to pay his tribute to the martyrs, he holds that not only must the capacity of a Govt. servant unshakably stick to him, but that Shri Kapur must have been authorised by the Prime Minister herself knowing, as she did, that he was a Govt. servant, to go and make a public speech at the Mela and canvass for votes for her! I do not think that we can indulge in flight of fancy which could be described as "flamboyant".

The uncontroverted evidence of Shri Kapur which had been ignored by the Trial Judge was that it was the special business of this witness, as an officer on Special Duty in the Prime Minister's Secretariat, in his own words, "to deal with the representations received from public and other works of semi-political nature". It is difficult to understand how the occupant of such a difficult and responsible office as that of the Prime Minister of the numerically largest democracy in the world can possibly discharge his or her duties towards the public satisfactorily without the aid of such officers. Naturally, as the Prime Minister was contemplating standing for election from the Rae Bareilly constituency, it would not be outside the scope of the duties of such an officer to attend especially to the complaints and representations from Rae Bareilly. He stated that Shri Gulzarilal Nanda, who was then the Railway Minister, had received some representations from Rae Bareilly. He also said that he had, from time to time, forwarded some representations to Shri Gulzarilal Nanda, who had asked him to accompany him to Rae Bareilly. Therefore, apparently without being asked by the Prime Minister, but, after informing her of his intention to go with Shri Gulzarilal Nanda, the witness had, in the course of the performance of duties especially assigned to him since his appointment, visited Rae Bareilly in the company of Shri Gulzarilal Nanda. This could not be outside the scope of his duties.

Again without any contradiction from any evidence whatsoever, his statement, unquestioned also in cross-examination, was that the Prime Minister did not, at any time, ask him, in his own words, "either directly or indirectly to do anything pertaining to her election". The Prime Minister's replies to interrogatories served upon her show that she had no personal knowledge of what Shri Kapur did at Rae Bareilly before he was appointed her election agent. It is also apparent from the evidence of this witness and of the Prime Minister herself that, when he expressed his desire on 9th or 10th January, 1971, to the Prime Minister to resign from his post as Officer on Special duty, she asked him to think over the matter as this would mean that he could not return to his post. He had earlier said that this decision was taken with a view to do work for the public in general and the Congress party in

particular as he wanted to enter public life. It is clear that the Prime Minister had left the decision entirely to the free will and option of Shri Kapur who had been asked to ponder over it carefully. When Shri Kapur had informed the Prime Minister again on 13-1-1971 that he had reached his final decision, after due consideration, to resign from his post so as to be able to do public work, as he had political ambitions, she had agreed to it and had asked him to see Shri P. N. Haksar, who was Incharge of the Prime Minister's Secretariat. He informed Shri P. N. Haksar about this decision on the telephone and then met him an hour later on 13-1-1971 to submit his letter of resignation. Shri Haksar, relying upon Rule 3 of the Government of India Transaction of Business Rules, had orally accepted this resignation, as the head of the Prime Minister's Secretariat. He told Shri Kapur that he was a free man. Naturally, the necessary notification, showing that Shri Kapur was relieved of his office with effect from 14-1-1971, was to follow.

The statement of Shri Kapur, supported by those of the Prime Minister and Shri P. N. Haksar, had been accepted by the Trial Court as correct so far as tender of this resignation and its acceptance, in all the stages, followed by the notification in the Gazette, went. The learned Judge held that the President gave his assent on 25-1-1971. Shri Kapur's letter of resignation must have been duly forwarded and was acted upon. This was the learned Judge's finding. Shri Kapur did not work in the Prime Minister's Secretariat after 13-1-1971 and he drew no salary as a Government servant after that date. The notification in the Gazette could not, according to rules, take place until Shri Kapur had handed over charge. He signed and completed the necessary papers relating to relinquishment of the charge of his office on 13-1-1971, but he put the date 14-1-1971 under his signature on the document evidencing a formal handing over of charge as it was to take effect from that date. The Trial Court held that the resignation of Shri Kapur would be effective from 25-1-1971 notwithstanding the fact that his request to be relieved from office, with effect from 14-1-1971, had been accepted and acted upon immediately by Shri P. N. Haksar as the official head of the Prime Minister's Secretariat. The papers were sent to the Secretariat of the President of India for completion of formalities. The formal Presidential sanction having been obtained, the notification dated 25-1-1971, declaring the resignation of Shri Kapur to be effective from 14-1-1971, was published on 6-2-1971.

On the facts stated above, there could be no doubt whatsoever that Shri Kapur was not asked to do anything at all in connection with her election by the Prime Minister herself, but he had decided to take interest in it voluntarily as he had some political ambitions; and, therefore, he had asked the Prime Minister to be relieved of his office in her Secretariat with effect from 14-1-1971. It is unfortunate that the learned Judge thought that there was something almost sinister in Shri Kapur taking such interest in the election or in hoping to enter political life through absolutely legitimate means. There is not the slightest reason for anyone who fairly examines the evidence of Shri Kapur, supported by that of the Prime Minister and Shri P. N. Haksar, to doubt the motives or the veracity of Shri Kapur on this point. He frankly stated that his ambition was to enter political life. In any case, the motives of Shri Kapur were not on trial. If such assistance as he may have rendered was entirely voluntary, without any request or solicitation from the Prime Minister, I do not see how, on the view of the correct legal position stated above, it made any difference to the result even if Shri Kapur had continued to be a Government servant upto 25-1-1971.

Shri P. N. Haksar was aware of and cited the applicable rule for a resignation by a temporary Government servant, as Shri Kapur was, and stated also the practice followed, in his experience, in such cases. He, presumably thought that the resignation was effective from 14-1-1971. Shri Kapur also acted upon that assumption and in that belief. The Prime Minister, who could not be expected to examine suo moto the question whether Shri P. N. Haksar and Shri Kapur were right in their beliefs about the effectiveness of the resignation, assumed that everything was alright. In any case, there could not possibly, on these facts, be any means reason her part.

The learned Judge having accepted, on the unimpeachable evidence of the date of notification of 25-1-1971, published

in the official Gazette on 6-2-1971, that Shri Kapur must have handed in his resignation in a letter of 13-1-1971, it is very difficult to see how one could possibly doubt the correctness of the statement of Shri P. N. Haksar that, as the Head of the Prime Minister's Secretariat, he had accepted the resignation orally and forwarded it on for necessary action. The resignation had taken place with the consent of the Prime Minister. It is inconceivable, in the circumstances, that Shri P. N. Haksar would not have, as the Head of the Department in which Shri Kapur was working, agreed to relieve him of his duties by telling him that he was a free man, and, thereby, accepted his resignation. He, very honestly, stated that he does not remember whether he wrote anything on the margin of that letter. He must have made so many endorsements on so many letters and documents that it was expecting the impossible to hold that he must remember what he wrote on every one of them. The only other ground given by the learned Judge for doubting the correctness of this version, which completely accords with the natural and ordinary course of official business, was that the additional written statement, filed a year after the original written statement, mentions this fact for the first time. It seems to me that the learned Judge was carrying his suspicions to excessive lengths. The real question involved was the legal effect of the facts accepted by the learned Judge to be correct. These were : firstly, that such a letter of resignation was handed in on 13-1-1971 by Shri Kapur to Shri Haksar asking to be allowed to resign with effect from 14-1-1971; and, secondly, this very request was accepted by the President of India and incorporated in a notification dated 25-1-1971.

The learned Judge had found Shri P. N. Haksar's statement, that such an oral acceptance, followed by the necessary notification afterwards, was "rather interesting", and, that the resignation could not be effective until 25-1-1971, the date of drafting the notification. But, what the learned Judge completely overlooked was that the notification itself made the resignation effective from 14-1-1971, the date from which Shri Kapur had neither worked in the Prime Minister's Secretariat nor drawn any salary. There was no plea anywhere, and there is no express finding on it, that the President's notification itself, which made the resignation effective from 14-1-1971, was invalid to the extent that it purported to give any retrospective effect to the resignation, in the sense that it made it effective from a date prior to its actual acceptance. The fact that it is made effective from 14-1-1971 shows that the letter must have reached the President's Secretariat with the request that this should be done. And, in the ordinary course of business, the head of the office concerned makes his endorsement on such letters.

The learned Judge had relied on Rule 5 of the Central Civil Services (Temporary Service) Rules, 1949, which runs as follows :

- "5 (a) The service of a temporary Government servant who is not in quasi-permanent service shall be liable to termination at any time by notice in writing given either by the Government Servant to the appointing authority, or by the appointing authority to the Government servant.
- (b) The period of such notice shall be one month, unless otherwise agreed to by the Government and by the Government servant :

Provided that the service of any such Government servant may be terminated forthwith by payment to him of a sum equivalent to the amount of his pay plus allowances for the period of the notice or as the case may be, for the period by which such notice falls short of one month or any agreed longer period".

The learned Judge had referred to Halsbury's Laws of England, Vol. V (Simond's Edn.), p.61, where it was laid down that in a "corporation created by Statute for the discharge of public functions a member may not have an absolute right to resign at will, because the law may cast a duty upon the person elected to a public office to act in that office in public interest." He also referred to an American Case, EDWARDS M. EDWARDS V. UNITED STATES(1) to the effect that only the appointing authority could have accepted the resignation of an occupant of a public office, and that, under the special provisions of the law, the holder of such an office could be subjected to a penalty for a wrongful refusal to perform the duties of his office. The desire

(1) (1880) 26 Lawyers Edn. 31.

or wish of the holder of the office had to give place to public interest in such special cases. It is clear that the cases cited could have no relevance whatsoever for an interpretation of Rule 5 set out above.

The learned Judge had then relied upon *RAJ KUMAR V. UNION OF INDIA*, (1) where this Court held that "normally and, in the absence of any law or rule governing the conditions of his service to the contrary, it will not be open to the public servant to withdraw his resignation after it is accepted by the appropriate authority". In that case, there was a dispute between the Govt. servant and the Union of India on the question whether the Govt. servant concerned could withdraw his resignation after it was accepted. It was held that he could not. It was not a case of an agreement between the parties at all as to the date from which the resignation could effectively terminate service. It is true that, in *RAJ NARAIN VS. SMT. INDIRA NEHRU GANDHI* (2) when this very matter came up to this Court, to decide whether an issue should be struck on it, this Court had sent back the matter to the High Court after holding that an issue should be framed to decide when Shri Kapur's resignation became effective and that this question "will have to be examined with reference to his conditions of service". Now, it is clear, from the rule itself, that a condition of Shri Kapur's service was that the Govt. and the Govt. servant could dispense with the period of notice if it was mutually agreed upon to do that. Rule 4 (b) makes that abundantly clear. The learned Judge, for some reason, completely overlooked this aspect.

Neither the Govt. nor the Govt. servant is in a worse position than an ordinary master or servant on a matter governed by contract. In fact, Article 310 makes it clear that, in such a case, the tenure of office of a Central Govt. servant is "during the pleasure of the President". In the instant case, the President's pleasure was contained in the notification dated 25-1-1971 showing that the President had accepted the resignation of Shri Kapur with effect from the forenoon of 14-1-1971. And, this is what Shri Kapur himself wanted. Hence, there is no difficulty at all in accepting the correctness of a resignation effective from the date which both parties to the contract, on patent facts, had agreed to. No rights of an innocent 3rd party were either involved or affected by such an acceptance of the resignation from the date immediately after the date on which Shri Kapur had tendered his resignation. That, as already pointed out, was also the date after which he had ceased to work or draw his salary. It is inconceivable that the law should thrust the status of a Govt. servant upon one who does not want it, particularly when the Govt. also does not, in public interest, refuse to relieve him by making him stick to any terms to the contrary in his contract. Our law, on this point, is not so monstrous. The position accepted by the learned Judge appears to me to be quite indefensible. However, there was an amendment also in the law by Sec. 7 of Act 40 of 1975, adding the following at the end of the Explanation to Sec. 123 (7) of the Act :

"(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a state Government shall be conclusive proof—

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and

(ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service, such persons ceased to be in such service with effect from the said date."

(1) AIR 1969 SC 180—1968(3) S.C.R. 857.

(2) AIR 1972 SC 1302—1972 (3) SCR 841.

I find that this amendment, which was made retrospectively, by Sec. 10 of Act 40 of 1975, makes the legal position still clearer. The learned Counsel for the election-petitioner had assailed the validity of this amendment on the ground that powers conferred by it upon the Govt. are bound to be abused by those who hold the reins of Govt. I am afraid I am unable to see any force in this contention. The presumption is that a bona fide use will be made of this power lodged in such responsible hands. If such powers are ever exercised in a mala fide manner, it is the particular exercise of the power that can be questioned and struck down. The provision does not become invalid merely because it could be abused as practically any provision of law can be by those who may want to do so.

I will next take up the period from 14-1-1971 upto 25-1-71, when Shri Kapur is said to have gone and voluntarily worked at Rae Bareilly, and to have done whatever he could to organise the conduct of the Prime Minister's election after his talks with the Prime Minister. The position with regard to allegations in this period is summarised as follows :

1. He is said to have either led or to have joined a procession of cars taken out on 14-1-1971 in the town of Rae Bareilly as a part of the election campaign for the original respondent although Shri U. S. Yadav (PW 41). An advocate, who was a staunch S. S. P. worker, produced on behalf of the election-petitioner, clearly stated that he had not seen Shri Kapur in that procession which he watched but he had seen him only on 15-1-1971. The learned Judge, however, not only relied on the evidence of Shri R. K. Singh (PW 42) but also on that of Shri U. S. Yadav to hold that Shri Kapur must have been 'associated with' the procession of people seen in cars and jeeps taken out on 14-1-1971 shouting Congress (R) party slogans to start off the election campaign.

2. On 17-1-1971, Shri Kapur is said to have participated in an election meeting held at the Clock Tower. On this allegation, the learned Judge accepted the evidence of Shri R. K. Dixit (PW 31), and Sri R. K. Singh, (PW 42), although both these witnesses only stated that some confusion took place at the meeting and Shri R. K. Dixit did not even remember whether any speech was made at all by Shri Kapur. Shri R. K. Singh also did not state that Shri Kapur actually made a speech but had said that "a disturbance took place when Shri Kapur wanted to deliver a speech.....as a result of which he could not do so". The learned Judge rejected the evidence of Shri V. C. Dwivedi (RW 18) supported by Shri Kapur (RW 32) himself, that Shri Kapur was not present at all at this meeting. However, on evidence of the election petitioner's witnesses themselves, Shri Kapur could do nothing whatsoever in furtherance of the election of the original respondent at this meeting.

3. On 19-1-1971 Shri Kapur is said to have addressed a meeting at village Nihasta where he is said to have gone in the company of Prof. Sher Singh a Minister of State in the Govt. of India. Although the tour programme of the Minister concerned showed that the Minister went to that village to inaugurate a Telephone Exchange on 18-1-1971 supported by the evidence of Jagannath Prasad (RW 16) a resident of village Nahasta and K. D. Pandey (RW 17) Post Master Sub Post Office yet the learned Judge preferred the evidence of Shri R. K. Singh (PW 42) for the election-petitioner despite the infirmity in this evidence that it was neither consistent with the tour programme of the Central Govt. Minister sent in advance for this function nor with the unshaken evidence of those who organised the function.

4. It was alleged that Shri Kapur on 19-1-1971, again in the company of Prof. Sher Singh, the Central Govt. Minister, mentioned above, attended a meeting held in Lalganj. So far as this particular allegation is concerned, the learned Judge thought that it could not be accepted because it was supported only by one highly partisan witness, Shri G. N. Pandey, against 4 faultless witnesses : Abdul Jabbar (RW 25), Fatesh Bahadur Singh (RW 26), Ishwar Chand (RW 27), and Ranjit Singh (RW 28).

5. On 19-1-1971, Shri Kapur was said to be present at the inaugural function of the Telephone Exchange at Behta Kalan and is said to have delivered a speech there. The learned Trial Judge accepted the evidence of Pt. Shashank Misra, (PW 32), admittedly a highly partisan witness, who

was believed because of a question put to him in cross examination suggesting that there was uproar when Shri Kapur started speaking so that nobody could hear what he said. The learned judge held that this amounted to an admission of Shri Kapur's presence and participation in this meeting.

6. Shri Kapur was alleged to have delivered a speech on 18-1-1971 at the foundation laying ceremony of a new Post Office building at Rae Bareilly in the company of Prof. Sher Singh, the Central Govt. Minister, mentioned above. This allegation was not accepted on the ground that it was not supported by any evidence whatsoever.

All that the witnesses could remember of Shri Kapur's speech, on each occasion, was that he supported the original respondent's candidature. Out of allegations of acts said to have been committed on 6 occasions by Shri Kapur in this period the learned Judge found only 4 instances proved. Out of these, it was clear that Shri Kapur could not have done anything in furtherance of the original respondent's election 17-1-1971, when according to the election-petitioner's witnesses, he was not even allowed to speak. Even if all the election petitioner's witnesses accepted by the learned Judge are to be implicitly believed for this period the position is:

- (a) On three occasions in this period, from 14-1-1971 to 25-1-1971, Shri Kapur is shown to have made a speech supporting the original respondent's candidature.
- (b) There is no evidence whatsoever from any source that Shri Kapur did so on any of these three occasions either after having been requested by the original respondent to do so or with her knowledge or consent or approval.
- (c) The only evidence in the case, on the decisive question, coming from the side of the original respondent, is that Shri Kapur did, whatever he did, entirely on his own initiative and in his private and individual capacity, without the slightest solicitation, request, or suggestion from the original respondent who not even know what he was doing at Rae Bareilly. And, this evidence, being uncontroverted, could not be rejected. In fact, it was not rejected by the Trial Court. It was ignored by it presumably under an erroneous belief that it was not material.

There is no evidence whatsoever that Shri Kapur was constituted a sort of general de-facto agent of the Prime Minister even before he became her election agent on 2-1-1971. In deed, such a case, that Shri Kapur was constituted a de-facto agent of the Prime Minister, and, if so, what was the scope of his authority, was not set up in the petition and was not put in issue. Therefore, there is no finding on it by the learned Judge. Could the Court then, without any proof of any specific request or solicitation or even knowledge of or consent to the doing of any particular acts Shri Kapur may have done in this period make the Prime Minister liable for them in any way? I think not. The election petitioner had to be confined to the case he had set up. This, as already pointed out, could only be, on a fair reading of the petition on issue No. 1, one of specific authorisation of particular individual acts of Shri Kapur. Of this, there is not only no evidence whatsoever on record but the evidence is to the contrary.

Issue No. 1, as framed, and the form of findings given on it indicate that the learned judge realized that the election petitioner's case must be confined to proof of specific acts or statements of the original respondent herself which induced Shri Kapur, as a Government servant, to give some assistance in furtherance of her election, but the discussion of evidence & the inferences which the learned Judge reached upon the circumstances found, indicated that the learned Judge thought that Shri Kapur was constituted a sort of de-facto agent even before Shri Kapur was clothed with legal authority on 1-2-71. This appears to me to be the underlying current of thought and reasoning of the learned Judge. Thus, the result was that what was really decided was the case of a de-facto agency which was neither set up nor was the subject matter of an issue. I, therefore, think that the principle that no amount of evidence could be looked into on a case not really set up was applicable here. It was quite unfair to expect the original respondent to meet a case not set up at all. Furthermore, the

case of de-facto agency was, in the circumstances of the particular case, only possible to set up if the Prime Minister had made some request to Shri Kapur to go and conduct the election campaign even before he was appointed her election agent on 1-2-1971. If this was not established by evidence on record, it could be said that the bottom was knocked out of even such a hypothetical case. Had a case of de-facto agency been even argued, it is not conceivable that certain cases of Division Benches of the Allahabad High Court itself would not have been cited to show on what kind of evidence it could succeed.

In *RUSTOM SATIN Vs. DR. SAMPOORNANAND & ORS.*(1), it had been held by a Division Bench of the Allahabad High Court (V. Bhargava & J. N. Takru JJ.), Inter-alia (at p. 243) :

"So far as the election law in this country is concerned it is a creation of statute and as such has to be interpreted in accordance with the provisions of that statute. Section 100 of the Act clearly refers to corrupt practices committed by four classes of persons only, viz., the candidate, his election agent, persons acting with the consent of the candidate or his election agent, and those acting without such consent. The corrupt practices committed by the first three classes of persons are covered by section 100 (1)(b), while those committed by persons failing in the fourth class are provided against in section 100(1)(d) (ii)."

The same Bench of the Allahabad High Court in *J. P. Rawat V. K. D. Paliwal*(2) had held (at p. 456) :

".....even in the case of admitted workers in whose case also general consent to work for the candidate may be implied, the consent of the returned candidate to corrupt practice or practices complained against have to be separately proved, and reliance upon general consent, express or implied, to work legitimately for the candidate is not deemed sufficient."

After 14-1-71, the Prime Minister, like everyone else concerned, obviously believed that Shri Kapur was no longer a Govt. servant. As I have already pointed out this was the legally correct assumption. Even if one were to assume, for the sake of argument, that this was not so and that the learned Judge had correctly held that Shri Kapur's resignation became effective from 25-1-1971, there could be no liability for a corrupt practice by merely permitting Shri Kapur to resign. The uncontroverted evidence is that, after resigning, Shri Kapur went to Rae Bareilly voluntarily, without any request or suggestion made to him by the original respondent or by anybody else to go to Rae Bareilly and work for her election. Even his appointment as the original respondent's election agent on 1-2-71, according to Shri Kapur's evidence, was the result of a suggestion of Shri Dal Bahadur Singh at Rae Bareilly, apparently during the Prime Minister's visit to her constituency.

Cases in which help rendered voluntarily by a Government servant without any attempt by the candidate concerned to "obtain" or "procure" it were held not to constitute a "corrupt practice" of the candidate, whatever be the impropriety of it for the Govt. servant himself, were completely overlooked by the learned Judge. In *Hafiz Mohd. Ibrahim vs. Election Tribunal* (3) a Division Bench of Allahabad (Mootham C. J. and Mukerji J.) had pointed out that a Govt. servant has a "private personality" too. Similar observations of *Dua J.* are found in a Division Bench decision of the Punjab High Court (See : *Ram Phal vs. Brahm Prakash*)(4).

On the conclusion reached by the learned Judge himself, the acts of Shri Kapur between the period 25-1-71 and 6-2-71, the date of the publication of the notification, could not be taken into account as no corrupt practice could possibly exist in that period, due to the participation of Shri Kapur in any election work. And, with regard to the two earlier periods, beginning with 7-1-71, I am unable to see, for the reasons given above, how any corrupt practice could be committed by the original respondent vicariously due to anything done by Shri Kapur, even if one were to apply the law as it existed before the amendments of the Act.

(1) XX E.L.R. 221 @ 243.

(2) XX E.L.R. 443 @ 456.

(3) 13 E.L.R. p 262.

(4) 23 E.L.R. p. 92 (1968).

Another question, which I may now briefly consider, is the date from which the original respondent could be said to have held herself out as a candidate. If she was not a "candidate", upto 25-1-1971, as defined by law, that would, in itself, be a sufficient ground for wiping out the effect of findings of the learned Judge on the two periods dealt with above.

The learned Judge had inferred that the Prime Minister was a "candidate" from 29-12-70 as she had held herself out as a candidate when she answered a question put to her on 29-12-70 at a Press Conference at New Delhi. The question and answer were as follows :

"Q. A short while ago there was a meeting of the opposition leaders and there they said that the Prime Minister is changing her constituency from Rae Bareilly to Gurgaon?

P. M. No, I am not."

In the witness box, the Prime Minister disclosed that what she meant by the answer was that she would not contest from the Gurgaon constituency. On further cross-examination, she stated :

"It is wrong to assume that while giving the reply marked 'B' in the transcript (Ext. 132) I conveyed that I was not changing my constituency from Rae Bareilly at all and emphatically held out that I would contest election again from Rae Bareilly. In my opinion there is no basis for this assumption."

The learned Judge had, in preference to the statement of the Prime Minister herself as to what she meant, together with the evidence given by her Secretariat that there were entreaties or offers to her from other constituencies that she should be their representative, relied on Press reports and what members of other parties thought and did as a result of the above-mentioned statement of the Prime Minister on 29-12-1970. The learned Judge also referred to paragraph 1 (A) of the additional written statement which runs as follows:

"That in fact, there were offers, from other Parliamentary Constituencies in India, requesting this respondent to stand as a candidate for the Lok Sabha from those Constituencies and a final decision in regard to the Constituency was announced by the All India Congress Committee only on January 29, 1971, and she only held herself out as a candidate on filing her nomination at Rae Bareilly on 1st of February, 1971 (underlining is by me.)"

He had also referred to the visits made by Congress (R) leaders to Rae Bareilly, particularly, Shri Dinesh Singh, and Shri Gulzarilal Nanda and by Prof. Sher Singh. He had not accepted the explanation that they had gone there of their own accord.

The learned Judge had also considered several English authorities but had noted that the law here was not the same as in England. It had been laid in *Munniswami Gounder v. Khadar Sheriff and Ors.* (1) where it was said:

"In this respect the law in this country makes a significant departure and that departure, in our opinion again emphasises the application of vital democratic principle, in the light of different conditions. We may here note, briefly, a feature of the political practice in the United Kingdom, which repeatedly colours and influences the English Cases, viz., the fact that there a person is often adopted as a candidate by a political association, without any move on his behalf, until a particular stage when the adoption is formalised by his consent."

I am unable to see what bearing the activities of opposition leaders and statements issued by them or Press Reports, with regard to the candidature of the original respondent No. 1 from the Rae Bareilly constituency, had upon either an interpretation of her own statement of 29-12-1970, or the date on which she made a final decision to stand as a candidate from the Rae Bareilly constituency or the communication of

that decision by her to her constituency. The material relied upon by the learned Judge consisted of speculation and hearsay coming from persons who were certainly interested in finding out which constituency the Prime Minister, who had a choice of Gurgaon, a constituency much nearer to New Delhi, and, possibly of other constituencies as well if she only wanted to change it. Absence of proof of a desire to change the constituency is not proof of a positive "holding out". It has been repeatedly laid down in decided cases on the point that what is relevant is not what other people think or say about what a possible candidate would do, but what the candidate concerned himself has said or done, so as to amount to "a holding out" as a candidate by the candidate from a particular constituency. Mere speculation or rumour circulated by other persons interested in finding out the Prime Minister's constituency could only prove what their own expectations or beliefs were. This type of "evidence", strictly speaking, could not even be admissible unless it could be related to something actually said or done by the candidate. All that such "evidence" could prove was that people interested were speculating or indulging in guess-work. It seems to me that the learned Judge did not take into consideration the tactics in the political game which, to some extent, every party participating in such a game adopts. Some of these tactics are quite legitimate and honourable, but others are not.

The learned Judge referred to the contents of a speech made by the Prime Minister at Coimbatore in South India, in the early part of January, 1971, castigating one of the tactics of the opposition parties in choosing Shri Raj Narain to oppose her, for purposes of maximum "mud slinging". The learned Judge pointed out the Prime Minister admitted, in her evidence, that she could have said this in her speech at Coimbatore. She was not asked whether this amounted to holding herself out as a candidate from Rae Bareilly constituency. If such a question had been asked, there is little doubt that she could have explained the statement by the context in which it was made, just as she had given the precise meaning of her statement of 29-12-1970, in the context in which it was made. Apparently, the context of the statement made in early January in Coimbatore was that the opposition parties had chosen a candidate, who, in the opinion of Prime Minister, possessed certain capacity for "mud slinging" which others did not have. The apparent object of what she mentioned in the speech was to expose tactics of opposition parties in choosing such a candidate from a constituency from which they thought the Prime Minister must be standing. It was obviously meant to disparage such tactics and not to disclose her own intentions or future course of action. A healthy democratic practice of convention certainly is that the election of some candidates, of certain stature and standing or position in public life, is not contested. To point out that the opposition parties, far from intending to adopt such an attitude towards her, were busy devising methods of maligning her, could not reasonably be construed as a holding out of herself as a candidate from a particular constituency unless one was predisposed to put such a construction on every ambiguous statement of the Prime Minister, made anywhere after the dissolution of parliament in December, 1970, until the election in the first week of March, 1971. Similarly, the context of the question of 29-12-1970, put to the Prime Minister at a conference at New Delhi, was that members of the opposition parties thought that she may be contesting from Gurgaon. In the light of the opposition tactics, which the Prime Minister herself had referred to in her speech at Coimbatore, it was not unlikely that the Prime Minister would have referred to keep her own intentions about the constituency, from which she would ultimately stand, either a closely guarded secret, or, at least, in a fluid State. In any case, it was not likely that she would announce her own intention very clearly to stand from any particular constituency until it was considered by her or her political advisers to be politically expedient to do so. Again, it may be that the prospect of such a leader standing from a particular constituency was likely to have a politically exhilarating effect upon the workers or on party activities in that constituency. From such a point of view also, the Congress Party (R) of the Prime Minister may also have preferred that the Prime Minister should not announce her decision until the last moment. A disputed question of fact on such a matter could not possibly be determined by a Court on evidence of guess-work or speculations of others which are, strictly speaking, not relevant. I have indicated here that if some guess-work were permissible, as it is to give its benefit to the person against whom circumstantial evidence is to be used, other possible explanations and interpretations were not excluded. The question had to be decided on proof of the actual statements and actions of

the candidate herself which could amount to clear and unequivocal expressions of intention, showing a decision to stand from a particular constituency, meant primarily for the benefit of the voters of the particular constituency so chosen by a candidate. Where was that evidence here?

It seems to me that the learned Judge had given an exaggerated importance to what were either not strictly relevant or insignificant matters in preference to what could be and was decisive and unequivocal. I do not think that the answer of the Prime Minister at the Press Conference, on 29-12-1970 or the contents of her speech in Coimbatore, in early January, 1971, or even a declaration or announcement of the All India Congress Committee on 29-1-1971, assuming that there was such an announcement, could mean that the Prime Minister had herself finally decided to contest from the Rae Bareilly constituency and had held herself out as a candidate for this constituency. This holding out had to take place by the Prime Minister herself and not by the Congress Committee. Even if the fact of a declaration made by the Congress Committee, on 29-1-1971, which is all that the written statement admits, proves that the Prime Minister was chosen by her party for this particular constituency on this date, her own decision on the matter could only come and was proved by her to have actually come later than that. This admission was, in my opinion, misconstrued by the learned Judge as a contradiction. In the absence of any evidence whatsoever which could conflict with the Prime Minister's statement about the actual date of her final decision to stand from this Constituency, it seems to me that the learned Judge had no option reasonably open to him except to accept the correctness of the only and the best evidence on this question available in the case. The learned Judge in observing, quite unnecessarily, that his finding on this question was not going to be affected by the importance of the office held by the Prime Minister, seems, subconsciously, to have been so affected by it that he did not act on the normal rule that the best evidence of a person's state of mind is his or her own statements and actions and not of others. He seems to have felt that judicial independence consists in inverting this rule and judging the matter primarily from the evidence of the states of mind and opinions and actions of other individuals in the case of a Prime Minister of this country. I do not consider this to be a judicially correct approach.

The fact that the tour programmes were circulated in advance for the Rae Bareilly District, in which the Prime Minister made electioneering speeches, could also not determine what the final declaration of intention by the Prime Minister was going to be in regard to the Rae Bareilly constituency. It is not enough that the candidate should have by then formed an intention to stand from a particular constituency. There is a gap between intent and action which has to be filled by proof of either statements or of conduct which amount to unequivocal declarations made to voters in the constituency in order to amount to a "holding out" to them. This seems to me to be the clear position in the law as laid down by Courts in this country on the meaning of Section 79(b) of the Act.

It is significant that despite the large number of speeches and statements the Prime Minister must have made throughout the country, in this period, not a single statement made by her could even be cited in which she had said before 1-2-1971, that she was standing as a candidate from the Rae Bareilly constituency. It is possible, as I have indicated above, that this may be a part of the political game or permissible party tactics so as to keep opposition parties guessing. It seems to me that the learned Judge was overlooking the context, the probabilities, the natural course of events in such a case, the legal and logical relevance and effect of what he thought was decisive, and, finally, the importance of the statement of the Prime Minister herself on this question, supported by complete absence of any evidence to show that she had herself made any clear and decisive statement in any speech or conversation which could shake her stand, that her final decision and unequivocal act was the filing of a nomination paper as a candidate on 1-2-1971 at Rae Bareilly. I may mentioned here that, according to the findings of the learned Judge himself, the question of the Prime Minister holding herself out as a candidate for the Rae Bareilly constituency became quite immaterial after 25-1-1971, and, on the findings I have reached above, the whole question becomes unimportant. However, I will indicate some authorities which the learned Judge himself had noticed.

In *S. Khader Sheriff Vs. Munnuswami Gounder & Ors.*, this Court said (at p. 473) :

(1) 1955 (2) SCR 469 @473

"When, therefore, a question arises under section 79(b) whether a person had become a candidate at a given point of time, what has to be seen is whether at that time he had clearly and unambiguously declared his intention to stand as a candidate, so that it could be said of him that he held himself out as a prospective candidate. That he has merely formed an intention to stand for election is not sufficient to make him a prospective candidate, because it is of the essence of the matter that he should hold himself out as a prospective candidate".

In *J. P. Rawat v. Krishna Dutt Paliwal*(2), a Division Bench of the Allahabad High Court (V. Bhargava and J. N. Takru, JJ), following the decision of this Court in *S. Khader Sheriff's* case (supra) said (at p. 463) :—

"The determining factor, therefore, is the decision of the candidate himself, not the act of other persons or bodies adopting him as their candidate".

In *Haji Abdul Wahid v. B. V. Keskar & Anr.* (3), it was held by a Division Bench of the Allahabad High Court (R. N. Gurtu & S. N. Dwivedi, JJ) :

"(i) that the purchase of the nomination forms and voters lists, could not amount to holding out as a candidate; (ii) the arranging of public meetings by the officials and the respondent's moving about in the constituency on the 15th and 16th could not by themselves amount to a holding out by the respondent as a prospective candidate on those days in the absence of evidence to show that the respondent had utilised those meetings and tours for the purpose of making utterances of an electioneering character".

In *K. K. Mishra v. Banamali Babu* (4), the Orissa High Court, relying upon the following observations of this Court in *S. Khader Sheriff's* case (supra), held that a holding out within the meaning of Section 79(b) must be by declaration of the candidate to an elector or to the electorate in a particular constituency and not to others:

"It may be that the holding out which is contemplated by that section is to the Constituency; but if it is the Central Committee that has to decide who shall be adopted for election from the concerned constituency, any declaration made to the Committee is, in effect addressed to the constituency through its accredited representative".

The view of the learned Judge appears to me to run counter to the weight of authorities cited above. In any case, if there was any uncertainty at all, in the law, it has been removed by an amendment by Section 7 of Act No. 40 of 1975 so that Section 79(b) reads as follows :

'Candidate' means a person who has been or claims to have been duly nominated as a candidate at any election";

Learned Counsel for the election petitioner contended that this amendment, read with Section 10 of the Act 40 of 1975, would retrospectively alter the "rules of the game" and would be destructive of the concept of free and fair elections, if it means that a person is only a candidate after he has been duly nominated and that he can indulge in any amount of corrupt practices until the day previous to his nomination.

Even if the present definition is a new one, it cannot be said to be arbitrary. The concept contained in it is found in the English definition which laws down :

(See: Halsbury's Laws of Eng^l - 3rd Edn. Vol. 14 of p. 162) :

".....a candidate in relation to a parliamentary election means a person who is elected to serve

(2) 20 F. L. R. 443 @463.

(3) 21 E. L. R. 409.

(4) 38 E.L.R. 451 @475.

in Parliament at the election or a person who is nominated as a candidate at the election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election"....."

The English definition is wider but contains, as its first part, the very concept found in our new definition of a "candidate".

Corrupt practices of a candidate cannot go unpunished, whether they are committed before or after he becomes a candidate, when they amount to acts which come within the purview of electoral offences dealt with by Chapter 3, Section 125, 126, 127, 127(A) or Chapter 9A of the Indian Penal Code. Offences, such as bribery, for purposes of either inducing person to vote or to stand or not to stand as candidates, undue influence and personation, are all dealt with here. These should be sufficient deterrents against perversion of the electoral process by a prospective candidate, who wants to adopt corrupt and objectionable means for gaining success at the polls.

The amendment appears to me to be within the unquestionable powers of Parliament to legislate, either prospectively or retrospectively, with regard to election matters. I am unable to see how it is capable of being interpreted as an attack on free and fair elections, which, according to the learned Counsel for the Election-petitioner, is part of the basic structure of the Constitution. I think it is important to bear in mind that Courts cannot take upon themselves the task of laying down what electoral laws should be. The law makers, assembled in Parliament, are presumed to know and understand their business of making laws for the welfare and well being of the mass people of this country, for the protection of democracy and of free and fair elections, in accordance with the needs of the democratic process, better than Courts know and understand these. It is only where a piece of legislation clearly infringes a constitutional provision or indubitably over-rides a constitutional purpose or mandate or prohibition that Courts can interfere. After having listened to the lengthy and vehement arguments of the election petitioner, I fail to see any invalidity in this provision.

I will now take up issue No. 3 of the 1st set of issue on which, after rejecting the contention that the erection of barricades and the provision of the police force for security purposes by the Government of U. P., during the election tours of the Prime Minister on 1-2-1971 and 25-2-1971 in the Rae Bareilly constituency, contravened Section 123(7), the learned Judge held that, nevertheless, the arrangements made by the District Magistrate of Rae Bareilly, the Superintendent of Police, Rae Bareilly, the Executive Engineer, P.W.D. and the Engineer, Hydel Department, for constructing rostrums and the supply of power for loud speakers, on the instructions given by the State Government, was a corrupt practice struck by the provisions of Section 123(7) of the Act. As I have already indicated, the only evidence relied upon by the learned Judge for this extraordinary finding, after having rejected a similar allegation of a corrupt practice under issue No. 2 on account of provision of the Air Force planes and helicopters flown by members of the Air Force, on necessary official instructions, to enable the Prime Minister to go to places where she could address election meetings on 1-2-1971 and 25-2-1971, was that the visits of the Prime Minister to her constituency on these occasions were preceded by the issue from the Prime Minister's office of the tour programmes to the officials of the District through the State Government with the knowledge and consent of the Prime Minister. The State Government had acted in compliance with the instructions issued by the Comptroller & Auditor General of India in 1958, read with Rule 71(6) of what is known as the Blue Book. The relevant part of this rule reads as follows :

"It has been noticed that the rostrum arrangements are not always properly made because the hosts are sometimes unable to bear the cost. As the security of the Prime Minister is the concern of the State, all arrangements for putting up the rostrum, the barricades etc. at the meeting place, including that of an election meeting, will have to be made by the State Government concerned".

The Government of India had also issued a letter (Ex. A. 21) dated 19-11-1969 inviting the attention of the State Governments to Rule 71(6), mentioned above, and directing them to ensure that, whenever rostrums are constructed on such occasions, they should conform to certain specifications laid down with due regard to security considerations. The letter also directed the State Governments to bill the political party concerned with expenses upto 25 per cent of the cost of the rostrums or Rs. 25,000, whichever is less. The letter also directed that extravagance in expenditure should be avoided. It was proved by the evidence of Shri R. K. Kaul (P. W. 58) the Home Secretary in the Govt. of U.P. that rostrums and arrangements for barricading are made by the local officials employing contractors for the purpose, under instructions issued by the State Government. The reasoning adopted by the learned Judge, however, was that, as the Prime Minister's office had issued her tour programmes, with the approval of the Prime Minister, the result must be, in the language of the learned Judge himself:

".....the tour programmes carried an implied direction that the State Government should also get constructed rostrums and arrange for people address system for the election meetings to be addressed by her on 1st of February, 1971 and 25th of February, 1971. It should be presumed that the respondent No. 1, as Prime Minister, of this country, and with five years experience of that office behind her in 1971, also knew that the said work was to be done by the officers of the State Government".

This meant that the learned Judge was holding the Prime Minister herself responsible for instructing the State Govt. knowing that it will make the necessary arrangements through its servants. The case thus accepted, that the Prime Minister was employing the state Government as her agency in procuring the aid of the officers concerned, was neither set up nor put in issue. Apart from this objection, the learned Judge overlooked that the provisions of Section 123 (7) were intended to prevent solicitation for aid and not sending of information to the State Govt. in the course of ordinary official business even if the candidate concerned knows that the State Govt. is bound, under the rules, to make the necessary arrangements dictated by the needs of security of the Prime Minister and convenience of the public.

The view of the learned Judge involves holding that the "persona" (a term derived from the concept of the mask worn by Greek actors on the stage in a drama) of a candidate during an election must not only be different from that of the Prime Minister, but also that, when the two capacities are held by the same person, what is due to the occupant of the office of the Prime Minister must be withdrawn when the same person acts as a candidate. On a similar argument, with regard to use of helicopters and aeroplanes, the learned Judge himself had refused to acknowledge what amounts to a separable legal personality of a candidate in the eyes of law. The ground given for this difference between the use of aeroplanes and helicopters by the Prime Minister and the use of rostrums by her was that the former was mere connected with the office or capacity of the Prime Minister and that the latter was exclusively meant for her use in the capacity of a candidate. Even if we were to recognise this distinction between the "persona" of the Prime Minister and that of a candidate, it is impossible to separate the special arrangements made for the security of the person of the Prime Minister from those to which she may be entitled as a candidate only. It is impossible to deny at any time the facilities and precautions meant for the person who holds the office of the Prime Minister to the person just because she also figures as a candidate at an election. So long as the person is the same what is meant for the person must be attributed to the persona or capacity of the Prime Minister and not to that of a candidate only. The learned Judge, however, thought that a candidate, who happens to hold the office of the Prime Minister of the country, is not entitled to the facilities or precautionary measures taken to protect the person of the holder of the office when electioneering as though the Prime Minister and the candidate were two different persons. He was unable to see that, so long as the person was the same, the distinction between the two capacities or personae, for the purposes for which facilities were given and protection provided, was both factually as well as legally impossible and quite immaterial.

I also think that the learned Judge erred in holding that such a case could be one of solicitation of official aid

and assistance at all. If it is a case in which certain precautions are taken and arrangements made almost "automatically", if one may use this word here, by officers of the State as a matter of duty towards the office held by a candidate who undoubtedly enjoys certain advantages which an ordinary candidate cannot have. It is as futile to complain of such a distinction made as it is to complain that a candidate possesses certain advantages at an election because of the personal services rendered to the country or distinctions achieved by the candidate. Again, there are advantages which attach themselves to a candidate because of that candidate's personal qualities, qualifications, capacities or background. The appurtenances of office or distinctions achieved are, in my opinion, comparable to such personal advantages in so far as they are not enjoyed because they are "obtained" or "procured". If such a result in law is unfair, it is not for Courts to find a remedy by accepting the argument advanced before us also: that those who enjoy the benefits of office must be made to realize and suffer some of its handicaps. This clearly means that the benefit which law gives, without solicitation by the candidate, must be converted, by a judicial fiat, into a disadvantage and a handicap. It is for Parliament to step in and change the law if an alteration of it is considered necessary by it. The only change that need be made in the law, if that could be the legislative intent, is to provide that the holder of any office for the time being would not be qualified to stand at an election. In that event, holders of all Ministerial offices will have to resign before they offer themselves as candidates. But, such is not our law found in the 1951 Act or anywhere else. I think that it would be extending the scope of Sec. 123(7) too wide to hold that the facilities automatically provided by the State to the Prime Minister, by virtue of his or her office, are also struck by a provision directed against solicitation of official aid and assistance by candidates.

The learned Judge had mentioned a Division Bench decision of the Allahabad High Court in *Motilal v. Mangla Prasad*(1), where it was laid down :

"We think that the word 'obtain' in section 123(7) has been used in the essence of the meaning which connotes purpose behind the action of the candidate. The word has not been used in the sub-section in the sense of a mere passive receipt of assistance without the candidate even being conscious of the fact that the assistance has been rendered. In order to bring the case under sub-section (7), it must be shown that the candidate did make some effort or perform some purposeful act in order to get the assistance."

He had also cited another Division Bench decision of the Allahabad High Court in *Biresh Mishra v. Ram Nath Sharma & Ors.*, (2) that :

"The words 'obtain' or 'procure' or 'abetting or attempting to obtain or procure' any assistance necessary imply some effort on the part of candidate or his agent. Mere passive receipt of assistance is not contemplated by the Section."

I think that the import of such observations was clearly what has been laid down repeatedly by this Court and emphasized by me already—that a *mens rea* as well as an *actus reus* must be shown, on the evidence on record, before a candidate can be held guilty of a corrupt practice. In *Sheonath Singh v. Ram Pratap*(3), this Court held in dealing with the allegation of corrupt practice under Sec. 123(4) of the Act, that *mens rea* was a necessary ingredient of the corrupt practice and that the doctrine of constructive knowledge was not applicable here.

In the case before us, the election petitioner alleged a wrongfully "obtained and procured" assistance due to acts of the original respondent as well as her election agent *Shri Yashpal Kapur*. Hence, proof of actual *mens rea* as well as *actus reus* on the part of either the candidate herself or her election agent had to be given. This was not done. The election-petitioner was, therefore, liable to be rejected on this ground alone.

If, however, there was any doubt or uncertainty on the matter, the view taken by the learned Judge had, at any rate, directed the attention of Parliament to the need for a clarification of the law which became necessary. It is not possible to object to the motives behind the legislation on this ground. Parliament could certainly set right a defect in law which may have come to its notice as a result of the learned Judge's interpretation of Sec. 123(7). The defect may be due to a possible ambiguity. In order to clarify the law, Sec. 7 of the Act 40 of 1975 inserted a proviso at the end of Sec. 123(7), which runs as follows :

"Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent, (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election."

The learned Counsel for the election-petitioner has, very fairly, conceded that, if this amendment, which is retrospective by reason of the operation of Sec. 10 of Act 40 of 1975, is valid, the decision of the learned Judge on the above mentioned issue No. 3 would not be sustainable. Such a concession, incidentally, means that whatever facilities were given to the Prime Minister by the construction of rostrums or provision of power for the loud-speakers, for which the party was also billed, at least to the extent of 1/4th of the expenses of the rostrums and wholly as regards the expenses of loud-speakers, were given by the officers concerned in the performance of their official duties. His is not the same thing as "obtaining" or "procuring" by solicitation.

Learned Counsel for the election-petitioner has, however, put forward the same objection to this retrospective amendment as the one against a change in the definition of "candidate". It appears to me that this amendment is merely clarificatory of the state of law as it really was even before the amendment. On the view I take, there is no question here of altering the "rules of the game" to the disadvantage of the election petitioner. The disadvantage, if any, was there already because of the consequences which, I think, legally and naturally flow from the occupation of the high office of the Prime Minister of this country.

There is no attack on the validity of Sec. 123(7) of the Act as it existed before the amendment. Hence, there could be no challenge to the validity of the amendment if it does not, as I think it does not, change the law but merely clarifies it.

Learned Counsel for the election-petitioner contended that, as a candidate at an election, the Prime Minister and an ordinary candidate should enjoy equal protection of the laws and should be afforded equal facilities irrespective of the office occupied by one of two or more candidates. Such an attack upon the validity of this amendment seems to me to be possible only under the provisions of Art. 14 of the Constitution. But, as Act 40 of 1975, has been placed by Sec. 5 of the 39th Amendment in the protected 9th Schedule of the Constitution, it becomes immune from such an attack. After the practically unanimous opinion of this Court in *Kesavananda Bharti's case* (Supra), that such an immunisation of an enactment from an attack based upon an alleged violation of the chapter on fundamental rights is constitutionally valid, I do not think that a similar attack can be brought in through the back door of a "basic structure" of the Constitution. Moreover, I am unable to see how this particular amendment has anything to do with damage to any part of the "basic structure" of the Constitution. Even if an attack on the ground of a violation of Art. 14 were open today, I think that the occupation of such a high and important office as that of the Prime Minister of this country, with all its great hazards and trials, would provide a rational basis for reasonable classification in respect of advantages possessed by a Prime Minister as a candidate at an election due to arrangements made necessary by considerations of safety and protection of the life and person of the Prime Minister. Hence, I am unable to see any sustainable ground of attack at all on the validity of this provision.

(1) AIR 1958 All. 794 @797

(2) 17 E.L.R. 243 @253

(3) (1965) 1 SCR 175

Before I proceed further, I may mention that I have dealt with the findings of the learned Judge, assailed by the original respondent's appeal No. 887 of 1975, perhaps in greater length and depth, after going through the evidence in the case, than, I had set out to do. I have done so far several reasons. Firstly, I think that the nature of the attack upon the bona fides of the amendments made, although ordinarily not even entertainable, having been permitted due to the constitutional importance and gravity of the allegations made, this question could not, in my opinion, be satisfactorily dealt with without considering the nature of the findings and the evidence at some length so as to satisfy myself that no such question could possibly arise here. Secondly, if the amendments were made necessary for reasons brought out fully only by dealing with facts and findings in this case, they could not give rise to any grounds to suggest that there was anything wrong in making amendments to remove such reasons. Therefore, I think it was necessary to go into these for determining whether the amendments are good. Thirdly, even if the amendments are valid, we had to be satisfied that the tests of corrupt practices alleged are not fulfilled despite the concession of the election-petitioner's learned counsel that this would be the position. Fourthly, I find that the learned Judge has made certain manifest errors in appraising the evidence and interpreting the law which call for rectification by this Court as no other authority can properly do this.

It appears to me, as already indicated by me, that the learned Judge was perhaps unduly conscious of the fact that he was dealing with the case of the Prime Minister of this country. He, therefore, as he indicated in his judgment, seemed anxious not to allow this fact to affect his judgment. Nevertheless, when it came to appraising evidence, it seems to me that, as I have already pointed out, he applied unequal standards in assessing its worth so as to largely relieve the election-petitioner of the very heavy onus of proof that lies on a party which challenges the verdict of the electors by allegations of corrupt practices. He also appeared to be attempting to achieve, by means of judicial interpretation, an equalisation of conditions under which, in his opinion, candidates should contest elections. I think, that it is not the function of Courts to embark on attempts to achieve what is only in the power of Parliament to accomplish, that is to say, to bring about equality of conditions where the law permits justifiable discrimination. As this Court has repeatedly pointed out, to treat unequally situated and circumstanced persons as though they were equals in the eyes of law for all purposes is not really to satisfy the requirements of the equality contemplated by the Constitution.

As regards appraisal of evidence in such a case, I may point out that, in *Rahim Khan v. Khurshid Ahmed*(1), Krishna Iyer, J., speaking for this Court, said :

"An election once held is not to be treated in a light-hearted manner and defeated candidates or disgruntled electors should not get away with it by filing election petitions on unsubstantial grounds and irresponsible evidence, thereby introducing a serious element of uncertainty in the verdict already rendered by the electorate. An election is a politically sacred public act, not of one person or of one, official, but of the collective will of the whole constituency. Courts naturally must respect this public expression secretly written and show extreme reluctance to set aside or declare void an election which has already been held unless clear and cogent testimony compelling the Court to uphold the corrupt practice alleged against the returned candidate is adduced. Indeed, election petitions where corrupt practices are imputed must be regarded as proceedings of a quasi-criminal nature wherein strict proof is necessary. The burden is therefore heavy on him who assails an election which has been concluded."

This Court also said there (at p. 672) :

"We regard it as extremely unsafe, in the present climate of kilkenny-cat election competitions and partisan witnesses wearing robes of veracity, to upturn a hard won electoral victory merely because lip service to a corrupt practice has been rendered by some sanctimonious witnesses. The Court must look for serious assurance, unlying circumstances

or unimpeachable documents to uphold grave charges of corrupt practices which might not merely cancel the election result, but extinguish many a man's public life."

I will now take up the election petitioner's cross appeal No. 909/75. Learned Counsel for the election petitioner, very properly and frankly, conceded that he could not successfully assail the findings of the learned Judge on issues Nos. 4 & 7 relating to alleged distribution of quilts, blankets, dhotis, and liquor by workers of the original respondent or the alleged provision of free conveyance by vehicles said to have been hired by Shri Kapur. The evidence on these questions given by the election petitioner was too flimsy and extravagant and was met by overwhelming evidence to the contrary given by respectable residents of localities in which the alleged corrupt practices are said to have taken place. No driver of any conveyance was produced. Nor was any person produced who had actually received any alleged gift or had consumed anything provided no behalf of the successful candidate.

As regards issue No. 2, relating to the use of aeroplanes and helicopters by the original respondent, which was not separately pressed evidently because it was covered by the amendment which was assailed by the election petitioner, the reason I have given on issue No. 3 for upholding the validity of the amendment relating to the services rendered by Govt. officials and members of defence forces in due discharge of their duties are enough to cover the points raised.

As regards issue No. 6, relating to the adoption of the drawing of a cow and a calf as the symbol of the Congress (R) Party of the original respondent, the finding of the Trial Court, based on a large number of authorities, was that this is not a religious symbol. This question was directly decided in *Bhartendra Singh v. Ram Sahai Pandey & Ors.* (2). *Shital Prasad Misra v. Nitiraj Singh Chaudhary* (3) decided by M. P. High Court on 21-7-1971; and *Sri Prasanna Das Damodar Das Palwar v. Indu Lal Kanhaiya Lal Yajnik* (4), decided on 27-8-1971 by the High Court of Gujarat. The learned Judge also cited the following cases where it was decided that a cow is not a religious symbol :

Shah Jayanthi Lal Amba Lal v. Kasturi Lal Nagin Das Doshi (36 ELR 189), *Bajinath Singh Vaidya v. R. P. Singh* (36 ELR 327), *Bishamber Dayal v. Raj Rajeshwar & Ors.* (39 ELR 363 at p. 376), *Dinesh Dang v. Daulat Ram* (39 ELR 465 at p. 476), *Shyam Lal v. Mausam Din & Ors.* (37 ELR 67 at p. 89), *B. P. Maurya v. Prakashvir Shastri* (37 ELR 137 at p. 147), *Sohadar Rai v. Ram Singh Aharwar & Ors.* (37 ELR 176 at p. 188), *Vishwanath Pd. v. Salamat Ullah & Ors.* (27 ELR 145 at p. 186) & *Lachchi Ram v. J. P. Mukhariya & Ors.* (9 ELR 149 at p. 157).

In addition, Sec. 8 of the Act 40 of 1975 has made the position on this point also very clear by providing that, in Sec. 123 of the Act in clause (3), the following proviso shall be inserted at the end :

"Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause."

As in the case of other amendments, this amendment was also challenged on behalf of the election petitioner on the ground that it could be misused. I am afraid that attacks made on such sweeping suggestions of likelihood of misuse, in future, cannot possibly succeed. It has been repeatedly laid down by this Court that the possibility of misuse of a power given by a statute cannot invalidate the provision conferring the power (*See: Dr. B. N. Khare v. State of*

(2) AIR 1972 M.P. 176 P. 179.

(3) M.P. Gazette, 23.6.1971, Pt. I p. 809 paras 18 to 23.

(4) Gujarat Gazette dt. 20.7.1972, Pt. 4Cf p. 1042 at pp. 1355 to 1362.

Delhi (1952) SCR 519 at p. 562; State of W. B. vs. A. A. Sarkar (1952) SCR 284 at p. 301; R. K. Dalmia vs. Justice Tendolkar (1959) SCR 279 at p. 306; T. K. Mudaliar vs. Venkatachalam (1955) 2 SCR 1196 at p. 1239; Chitralekha vs. State of Mysore (1964) 6 SCR 368 at p. 382-383; M. R. Deka vs. N. E. F. Rly. (1964) 683, The occasion to complain can only arise when there is such alleged misuse. Even the possibility of such misuse of this power by so responsible an official as the Election Commissioner cannot be easily conceived of.

It was submitted that the Election Commissioner's decision on this question was unreasonable. The best class of evidence as to what is and what is not to be reasonably regarded as a religious symbol, according to the customs, mores, traditions, and outlook of the people of a country at a certain time consists of contemporaneous decisions of Courts. It is useless to quote passages from ancient texts about the sacredness of the cow in support of the use of the cow as a religious symbol today. The use of pictures of this excellent and useful animal is so frequently made today for commercial purposes or purposes other than religious that the representation of a cow and a calf cannot, except in some special and purely religious contexts, be held to have a religious significance. I, therefore, see no force at all in this submission of the election petitioner.

The only question argued with some seriousness in the election petitioner's appeal was that the election expenses, which from the subject matter of issue No. 9, had exceeded the limit of authorised expenditure imposed by S. 77 of the Act read with Rule 90. On this issue, the learned Judge had considered every allegedly omitted item of expense very thoroughly and had reached the conclusion that the following 3 items, totalling upto Rs. 18,183.50 had to be added to the return of election expenses of the original respondent which mentioned items totalling upto Rs. 12,892.97. These were : (1) Cost of rostrums Rs. 16,000/-; (2) Cost of installation of loud-speakers Rs. 1,951/-; (3) Cost of providing transport for one journey by car Rs. 232.50.

On this issue, the learned Judge's appreciation of evidence was not only very thorough and correct, but the application of the governing law on the subject also appears to me to be faultless. Ordinarily, we do not, sitting even in first appeals on questions of law as well as of fact in election cases, go into findings of fact arrived at without misapplication of law or errors of approach to evidence. In the case before us, two main questions and one subsidiary question, each of which is a mixed questions of fact and law, which deserve consideration by this Court on this issue, have been raised before us. I will deal with these questions briefly seriatim.

The first question is : If the party, which a candidate represents, spends or others also spend some money on his or her election, is this expenditure one which can be or should be properly included in the statement of election expenses submitted by the candidate ? Argument before us have proceeded on the assumption made by both sides that some expenditure was incurred by the Congress (R) Party and some expenditure must also have been incurred by those who either voluntarily helped or even thrust their supposed assistance, whether it was helpful or not, upon those managing the original respondent's election, which was not shown as part of her election expenses. Is the successful candidate bound, under the law, to show this also as part of election expenses ?

This question assumed special importance after the decision of this Court in Kanwarlal Gupta vs. Amarnath Chawla(1), where a Division Bench of this Court observed :

"Now, if a candidate were to be subject to the limitation of the ceiling, but the political party sponsoring him or his friends and supporters were to be free to spend as much as they like in connection with his election, the object of imposing the ceiling would be completely frustrated and the beneficial provision enacted in the interest of purity and genuineness of the democratic process would be wholly emasculated. The mischief sought to be remedied and the evil sought to be suppressed would enter the political arena with redoubled force and vitiate the political life of the country. The great democratic ideal of social, economic and

political justice and equality of status and opportunity enshrined in the Preamble of our Constitution would remain merely a distant dream eluding our grasp. The legislators could never have intended that what the individual candidate cannot do, the political party sponsoring him or his friends and supporters should be free to do. That is why the legislators wisely interdicted not only the incurring but also the authorising of excessive expenditure by a candidate. When the political party sponsoring a candidate incurs expenditure in connection with his election, as distinguished from expenditure on general party propaganda, and the candidate knowingly takes advantage of it or participates in the programme or activity or fails to disavow the expenditure or consents to it or acquiesces in it, it would be reasonable to infer, save in special circumstances, that he impliedly authorised the political party to incur such expenditure and he cannot escape the rigour of the ceiling by saying that he has not incurred the expenditure, but his political party has done so. A party candidate does not stand apart from his political party and if the political party does not want the candidate to incur the disqualification, it must exercise control over the expenditure which may be incurred by it directly to promote the poll prospects of the candidate. The same proposition must also hold good in case of expenditure incurred by friends and supporters directly in connection with the election of the candidate."

After making the above-mentioned observations, the apparently broad sweep of the observations was limited as follows :

"It may be contended that this would considerably inhibit the electoral campaign of political parties but we do not think so. In the first place, a political party is free to incur any expenditure it likes on its general party propaganda though, of course, in this area also some limitative ceiling is eminently desirable coupled with filing of return of expenses and an independent machinery to investigate and take action. It is only where expenditure is incurred which can be identified with the election of a given candidate that it would be liable to be added to the expenditure of that candidate as being impliedly authorised by him. Secondly, if there is continuous community by him Secondly, if there is ministration punctuated by activated phases of well-discussed choice of candidates by popular participation in the process of nomination, much of unnecessary expenditure which is incurred today could be avoided."

It is not necessary to quote further from the judgement which suggests taking of steps for reform of electoral machinery so as ensure "choice of candidates by popular participation in the process of nomination", because that would take us into a territory beyond mere interpretation of the law as it exists. It is clear from the passage cited and letter parts of the judgment that the earlier decisions of this Court, requiring proof of authorisation by the candidate of the election expenditure for which he could be held responsible, and, in particular Rananjaya Singh v. Baijnath Singh (2), which I shall refer to again a little later, are considered. It is enough to observe that the passages quoted above rest on the assumption that, where there are special circumstances in a case which constitute a political party an implied agent of the candidate himself, the candidate will be responsible. It was also suggested there that a political party itself must exercise some control over the expenses of the candidate it sets up. The objection was to a candidate merely using the political party as a channel or cover for expenses incurred by the candidate himself. This explains the exclusion of expenses for "general party propaganda" from those for which the candidate is accountable and liable. Such expenses could be, it was held, properly incurred by the party itself, irrespective of the source from

(1) AIR 1975 SC 308 @ 315-316.

(2) 1955 (1) SCR 671.

which the party obtained funds for carrying it on. What is declared to be expense incurred by the candidate is that expense which his party may incur either as an express or implied agent of the candidate and that only.

The difficulty which faces the election-petitioner at the outset in taking up a case of implied authorisation, on the strength of anything observed or decided by this Court in Kanwarlal Gupta's case (supra), is that no such case was set up here. The petition does not say that the local Congress (R) party was really an express or implied agent of the original respondent or that it had acted in a manner from which it could be inferred that the funds were really being supplied by the original respondent and were merely being spent by the party or its workers for the election under consideration. No facts or circumstances were at all indicated either in the petition or in evidence from which such inferences were possible. On the other hand, what is sought to be pointed out now in the case before us is that a sum of Rs. 70,000/- was shown to have been received from some undisclosed sources by Shri Dal Bahadur Singh, the President of the District Congress Committee at Rae Bareilly, and that a large part of it was shown, from entries in the bank account of the President of this Committee, to have been disbursed during or soon after the election. The responsibility of the District Congress Committee was, however, to carry on propaganda and supply information in 3 parliamentary constituencies. Neither party summoned Shri Dal Bahadur Singh to give evidence so that it could not be proved what proportion of any of this sum of Rs. 70,000/- was spent and in what work and for which of the 3 Parliamentary constituencies. All that was alleged, in paragraph 13 of the petition, is that the "expenditure incurred by the respondent No. 1, Smt. Indira Nehru Gandhi and/or her election agent Shri Yashpal Kapur was much more than Rs. 35,000/- which was the permissible amount". After that, particulars of 11 items were given, out of which the first was hiring of 32 vehicles whose numbers are mentioned. There is no mention whatsoever in this list of any sum paid either by the original respondent or by anyone else on her behalf to Shri Dal Bahadur Singh or of any expense incurred on behalf of the original respondent by this gentleman. The principle that no amount of evidence can be looked into on a case not set up is sufficient to dispose of this evidence of a cheque of Rs. 70,000/- received by Shri Dal Bahadur Singh.

It is true that the case set up is that the prescribed limit of expenditure was exceeded and the case is so stated that items beyond the list could conceivably be added. Nevertheless unless and until there is a plea that something was spent by the Congress (R) Party, either as an express or implied agent of the original respondent, this loop-hole left in the petition would not suffice. Sec. 83(1)(b) of the Act contains the mandatory provisions that the petition "shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice".

The judgment of this Court in Kanwarlal Gupta's case (supra) discusses a number of cases decided by this Court which show that it is not enough to prove expenditure of money by a candidate's party or friends or relations. It must be also proved that this was expenditure authorised by the candidate and incurred as the candidate's express or implied agent. These cases were :

Rananjaya Singh v. Baijnath Singh (1955) 1 SCR 671 ;
Ram Daval v. Brijraj Singh (1970) 1 SCR 530 ;
Magraj Patodia v. R. K. Birla (1971) 2 SCR 118 &
B. Rajagopala Rao v. N. G. Ranga (AIR 1971 SC 267).

After examining this catena of cases, I think, with great respect, that the decision of this Court in Kanwarlal Gupta's case (supra) could be understood to point in a direction contrary to that in which the previous cases were decided. Hence, it appears to me that the amendment made by Act 58 of 1974, by adding the explanation (1) to Sec. 77(1) of the Act, could be justified as merely an attempt to res-

tore the law as it had been understood to be previous to decision of this Court in Kanwarlal Gupta's case (supra):

"Explanation 1.—Notwithstanding any judgement, order or decision of any court to the contrary, any expenditure incurred or authorised in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual (other than the candidate or his election agent) shall not be deemed to be, and shall not ever be deemed to have been, expenditure in connection with the election incurred or authorized by the candidate or by his election agent for the purposes of this sub-section :

Provided that nothing contained in this Explanation shall affect—

- (a) any judgment, order or decision of the Supreme Court whereby the election of a candidate to the House of the People or to the Legislative Assembly of a State has been declared void or set aside before the commencement of the Representation of the People (Amendment) Ordinance, 1974;
- (b) any judgment, order or decision of a High Court whereby the election of any such candidate has been declared void or set aside before the commencement of the said Ordinance if no appeal has been preferred to the Supreme Court against such judgment, order or decision of the High Court before such commencement and the period of limitation for filing such appeal has expired before such commencement."

It appears to me that both parties to the case now before us were under the impression that the expenses incurred by a political party over its candidate's election was outside the prescribed limit which operated only against expenditure by a candidate himself. Hence, the petitioner had not pleaded expenses incurred by the party of the original respondent as expenses authorised by the original respondent. The test of authorisation would naturally be the creation of a liability to reimburse whoever spends the money and not necessarily the provision of money before-hand by the candidate on whose behalf it is spent. Nevertheless, the authorisation has to be set up and proved. In the written statement filed on behalf of the original respondent, it was very frankly admitted that some expenditure, incurred by the local Congress Party itself, had not been shown as election expenses of the candidate herself. This was the position because, on the side of the original respondent also, the law was understood to be as it is found now clarified by the addition of an explanation to Sec. 77 (1) of the Act.

The second question which arises for consideration is: if some expenses are shown or admitted to have been incurred by the candidate's party or third persons over the election of the successful candidate, is it possible to separate it from a total expenditure on more than one constituency by some process of estimation and apportionment? Of course, this question can only arise if it is first proved that whatever expenditure was incurred by candidate's party or by some other person, who may be a friend, a relation, or a sympathiser, was incurred in circumstances from which it can be inferred that the successful candidate would reimburse the party or person who incurred it. As I have already held, it is only then that expenditure could be held to be authorised by the candidate. It is not enough that some advantage accrued or expenditure was incurred within the knowledge of the candidate. This was very clearly brought out in Rananjaya Singh v. Baijnath Singh and Ors (1). In this case, the Manager, Assistant Manager, 20 Ziladars, and peons of the proprietor of an estate in Uttar Pradesh had carried on election work, after having been given a holiday on full pay by the proprietor of the estate who was the father of the successful candidate. It was contended that inasmuch as these persons were virtually employees of the candidate himself, their salary for the day must be added to the list of election expenses. This Court repelled this contention on the ground that this extra expenditure had not been authorised by the candidate or his agent. Hence, it need not be shown as an item of election expense. Voluntary expenditure by friends, relations, or sympathisers and expenditure incurred by a candidate's party, without any request or autho-

risation by the candidate, has never been deemed to be expenditure by the candidate himself. (See: Ram Dayal v. Brijraj Singh (1970) 1 SCR 530); Magraj Patodia v. R. K. Birla (1971) 2 SCR 118).

An attempt was then made to pass the responsibility on to the original respondent for the expenses of at least 23 vehicles whose numbers are mentioned in a letter date 25th February, 1971, written by Shri Kapur, who then the original respondent's election agent, and sent to the District Officer, Rae Bareilly, stating as follows :

"Sir, I beg to say that the District Congress Committee, Rae Bareilly has taken the following cars for election purposes in the three Parliamentary Constituencies, Rae Bareilly, Amethi and Ram Sanehi Ghat. You may, therefore, kindly release them."

After giving numbers of the vehicles the letter proceeds:

"It is therefore requested that the abovesaid cars may kindly be released without delay. The letter of the President of District Congress Committee about the abovesaid cars is enclosed herewith."

The letter of the President of the Committee, mentioned by Shri Kapur, was rather urgent request made to him by Shri Dal Bahadur Singh, on 24-2-1971 (Ex. A-43), after informing him that he is in difficulties as he had tried to find out unsuccessfully the whereabouts of Shri V. Vajpayee, who was contesting election from Amethi Parliamentary Constituency, and of Shri Balznath Kureel, who was contesting the election from Ram Sanehi Parliamentary Constituency. He, therefore, asked Shri Kapur, the election agent of the original respondent, to send a letter to the District Officer, who had refused to release the vehicles without the endorsement of the candidate concerned or his or her election agent.

It is clear from the above-mentioned correspondence that Shri Kapur was not speaking on behalf of the other two candidates of adjoining Parliamentary Constituencies. He was not even undertaking to pay anything for the use of the vehicles on behalf of the original respondent. Shri Kapur also did not state that these vehicles were needed for work in the original respondent's constituency. He merely forwarded the letter with a request for compliance with what Shri D. B. Singh wanted. Shri Dal Bahadur Singh was concerned and entrusted with conducting electioneering work in three adjoining Parliamentary Constituencies successfully. He had, therefore, made a frantic appeal to Shri Kapur to come to his help. Shri Kapur, without concealing any fact, had sent this very letter with a request for the release of the vehicles to the District Officer concerned. On this evidence, the learned Judge came to the conclusion that it was not possible to say which vehicles, said to be Jeeps, had been utilized for election work and in which constituency. The learned Judge after considering the evidence recorded the finding that it was not possible to hold that the 23 vehicles in question had been used exclusively for the purposes of the election of the original respondent and not for "general party propaganda purposes" for which the original respondent was not liable to pay.

In *Hans Raj v. Pt. Hari Ram and Ors.*(1) this Court in a similar situation said :

"Whichever way one looks at the matter it is quite clear in view of the decision of this Court reported in *Rananjay Singh v. Baijnath Singh & Others* (1955 1 SCR 671) that the expenditure must be by the candidate himself and any expenditure in his interest by others (not his agents within the meaning of the term in the election law) is not to be taken note of. Here the hiring was by the Congress Committee which was not such an agent and therefore the amount spent by the Congress Committee cannot be taken as an amount which must compulsorily be included in the expenditure over the election by a candidate. If this be the position, we have to decide whether this amount spent on the jeeps must be taken to be an expenditure made by the candidate

himself. Of that there is no evidence. The bill stands in the name of the Congress Committee and was presumably paid by the Congress Committee also. The evidence, however, is that this jeep was used on behalf of the returned candidate and to that extent we subscribe to the finding given by the learned judge. Even if it be held that the candidate was at bottom the hirer of the jeep and the expenditure on it must be included in his account, the difficulty is that this jeep was used also for the general Congress propaganda in other constituencies."

In *Shah Jayantilal Ambalal v. Kasturilal Nagindas Doshi and ors.*(2) this Court held :

"It is now well settled that expenses incurred by a political party in support of its candidates do not come within the mischief of s. 123(6) read with s. 77 of the Act."

In *Samant N. Balakrishna Etc. v. George Fernandez and Ors.* Etc.(3) this Court pointed out :

"In India all corrupt practices stand on the same footing. The only difference made is that when consent is proved on the part of the candidate or his election agent to the commission of corrupt practice, that itself is sufficient. When a corrupt practice is committed by an agent and there is no such consent then the petitioner must go further and prove that the result of the election in so far as the returned candidate is concerned was materially affected."

However, as I have already held, there is no case or evidence before us that the Congress Party was the agent, express or implied, of the original respondent or acting as the channel through which any money whatsoever was spent by the original respondent. The petition could not possibly succeed on the ground of exceeding election expenses. On the other hand, on the findings given by me above, the expense on the construction of rostrums were also erroneously added by the learned Judge. In fact, it seems that other two items mentioned there were also wrongly added. Expenses of the installation and use of loud-speakers and the power supplied were certainly shown to have been borne by the Congress Party itself. It is true that when elections of persons in the position of the Prime Minister or even of Ministers, whether in the Central Government or a State Government, take place, a number of people come forward to either give or thrust their supposed aid in the election. It may be impossible for the candidate to refuse it without offending them. But it is also impossible for the Courts to make the candidate himself or herself responsible so as to impose an obligation upon the candidate to find out what expenses incurred by them were and then to add these on to the candidate's account of expenses. That would be, obviously, a most unfair result. And, this is not what the law requires in this Country. The law requires proof of circumstances from which atleast implied authorisation can be inferred.

The third and the last and a subsidiary submission on behalf of the election petitioner, on election expenses, was that, Shri Dal Bahadur Singh not having been produced by the original respondent, some sort of presumption arises against the original respondent. I do not think that it is possible to shift a burden of the petitioner on to the original respondent whose case never was that Shri Dal Bahadur Singh spent any money on her behalf. The case of *M.Chenna Reddy vs. Ramchandra Rao* (4) was relied upon to submit that a presumption may arise against a successful candidate from the non-production of available evidence to support his version. Such a presumption, under section 114 Evidence Act, it has to be remembered, is always optional and one of fact depending upon the whole set of facts. It is not obligatory.

(2) 42 E.L.R. 307 @ 311

(3) (1969) 3 SCR 603 @ 637

(4) 40 E.L.R. P. 390 @ 415

In Chenna Reddy's case (*supra*), the evidence seemed to have resulted in a *prima facie* case whose effect the respondent had to get rid of. In the case before us, the election petitioner had summoned Shri M.L.Tripathi (PW-59), the Secretary of the District Congress Committee, who appeared with account books of the party at Rae Bareilly. The election petitioner could get nothing useful out of his evidence. Even if the election petitioner did not, for some reason, desire to summon Shri Dal Bahadur Singh similarly, his counsel could have requested the Court to exercise its discretionary powers under Order XVI, Rule 14 C.P.C., but this was never done. A presumption could not arise on the facts and circumstances of a case in which it could not be said that Shri Dal Bahadur Singh's evidence was necessary to discharge some burden of the original respondent. The original respondent had discharged whatever onus lay upon her by producing her own election agent Shri Kapur, who had kept her accounts. And, she had herself appeared in the witness box and faced a cross-examination which could not be held up as an example of complete fairness and propriety. I do not quite understand what presumption could possibly arise, due to non-production of Shri Dal Bahadur Singh, against what part of her case, and to what effect. It could certainly not be suggested that there was any duty on her part to repeal some case never set up against her. It was nobody's case that the local Congress Party was her agent.

I may now very shortly deal with the objection that, as a number of Members of Parliament belonging to the opposition parties were in detention, under the preventive detention laws, which could not be questioned before Courts of law, because of the declaration of the emergency by the President, there was a procedural defect in making the amendments of the Act of 1951 and the 39th Constitutional amendment.

Article 122 of the Constitution prevents this Court from going into any question relating to irregularity of proceedings "in Parliament". It reads as follows :

"122. (1) The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of Parliament in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in Parliament shall be subject to the jurisdiction of any Court in respect of the exercise by him of those powers."

What is alleged by the election-petitioner is that the opposition Members of Parliament, who had been detained under the preventive detention laws, were entitled to get notice of the proposed enactments and the 39th amendment, so as to be present "in Parliament", to oppose these changes in the law. I am afraid, such an objection is directly covered by the terms of Article 122 which debars every Court from examining the propriety of proceedings "in Parliament". If any privileges of Members of Parliament were involved, it was open to them to have the question raised "in Parliament". There is no provision of the Constitution which has been pointed out to us providing for any notice to each Member of Parliament. That, I think, is also a matter completely covered by article 122 of the Constitution. All that this Court can look into, in appropriate cases, is whether the procedure which amounts to legislation or, in the case of a Constitutional amendment, which is prescribed by Article 368 of the Constitution, was gone through at all. As a proof of that, however, it will accept, as conclusive evidence, a certificate of the Speaker that a Bill has been duly passed.

(See : State of Bihar v. Kameshwar). (1)

Again, this Court has held, in *Sharma v. Sri Krishna*, (2) that a notice issued by the Speaker of a Legislature for the breach of its privilege cannot be questioned on the ground that the rules of procedure relating to proceedings for breach of privilege have not been observed. All these are internal matters of procedure which the Houses of Parliament themselves regulate.

(1) AIR 1952 SC 252 @ 266

(2) AIR 1960 SC 1186 @ 1189

As regards the validity of the detentions of the Members of Parliament, that cannot be questioned automatically or on the bare statement by counsel that certain Members of Parliament are illegally detained with some ulterior object. The enforcement of fundamental rights is regulated by Articles 32 and 226 of the Constitution and suspension of remedies under these articles is also governed by appropriate constitutional provisions. Their legality and regularity cannot be collaterally assailed by mere assertions made by Counsel before us. I, therefore, over-rule these objections to the validity of the amendments and the 39th amendment as we cannot even entertain them in this manner in these proceedings.

I will now turn to the validity of clause (4) of Article 329A sought to be added by Section 4 of the 39th Amendment. I will quote the whole of Section 4 as some argument was advanced on the context in which clause (4) of Article 329A occurs. Section 4 reads as follows:

"4. In part XV of the Constitution, after article 329, the following article shall be inserted, namely:—

"329A. (1) Subject to the provisions of Chapter II of part V (except sub-clause (e) of clause (1) of article 102), no election—

- (a) to either House of Parliament of a person who holds the office of Prime Minister at the time of such election or is appointed as Prime Minister after such election;
- (b) to the House of the People of a person who holds the office of Speaker of that House at the time of such election or who is chosen as the Speaker for that House after such election;

shall be called in question, except before such authority (not being any such authority as is referred to in clause (b) of Article 329) or body and in such manner as may be provided for by or under any law made by Parliament and any such law may provide for all other matters relating to doubts and disputes in relation to such election including the grounds on which such election may be questioned.

- (2) The validity of any such law as is referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court.
- (3) Where any person is appointed as Prime Minister or, as the case may be, chosen to the office of the speaker of the House of the People, while an election petition referred to in clause (b) of article 329 in respect of his election to either House of Parliament or, as the case may be, to the House of the People is pending, such election petition shall abate upon such person being appointed as Prime Minister or, as the case may be, being chosen to the office of the Speaker of the House of the People, but such election may be called in question under any such law as is referred to in clause (1).
- (4) No law made by Parliament before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, in so far as it relates to election petitions and matters connected therewith, shall apply or shall be deemed ever to have applied to or in relation to the election of any such person as is referred to in clause (1) to either House of Parliament and such election shall not be deemed to be void or ever to have become void on any ground on which such election could be declared to be void or has, before such commencement, been declared to be void under any such law and notwithstanding any order made by any Court, before such commencement, declaring such election to be void, such election shall continue to be valid in all respects and any such order and any finding on which such order is based shall be

and shall be deemed always to have been void and of no effect.

- (5) Any appeal or cross appeal against any such order of any court as is referred to in clause (4) pending immediately before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, before the Supreme Court shall be disposed of in conformity with the provisions of clause (4).
- (6) The provisions of this article shall have effect notwithstanding anything contained in this Constitution.

Counsel for both sides are agreed that, for the purposes of the case before us, we need not consider the constitutional validity of clauses 1 to 3 of the newly introduced Article 329A of the Constitution. I will, therefore, concern myself only with the constitutional validity of clause (4) of Article 329A of the Constitution.

Learned Counsel for the election-petitioner contended that the constituent or amending power contained in Article 368 of our Constitution had been misused to achieve some purpose which was either outside the Article or which struck at the roots of the "basic structure" or "the essential features" of our Constitution. It was submitted that the amendment is in-valid on an application of the tests laid down by a majority of the 13 Judges who indicated certain basic and inviolable principles of our Constitution in *Kesvananda Bharti's case* (supra). It was contended that the newly added Article 329A(4) of the Constitution, far from constituting a Constitutional law, which alone could be made under Article 368, did not even satisfy the tests of a law, inasmuch as it did not lay down any general rule applicable to all cases of a particular class but was really designed to decide one particular election case, which is now before us for hearing, in a particular way. According to learned Counsel, the amending bodies had, under the guise of an exercise of constituent power, really decided a particular election dispute arbitrarily without following the elementary principles of judicial procedure or applying any intelligible norms or principles of justice either as a Court of law would have done or as any body of persons entrusted with the duty to decide a matter justify or quasi-judicially could possibly have done. The assumption underlying this argument was that setting aside the results of a judicially recorded judgment and order by declaring it void and the validation of an election held by a Court of law to be invalid necessarily involves the adoption of a judicial or a quasi-judicial procedure if the results are to appear just and not violative of the basic principles of natural justice which must be held to be parts of the Rule of law envisaged by our Constitution. What had been done by clause 4, according to the learned Counsel for the election petitioner, was nothing short of lifting and placing the elections of the first four dignitaries of State outside the range of questionability before any authority whatsoever either in the past, present, or future. As the only election out of those of these dignitaries still in dispute at the time of the passing of the 39th Amendment was the election of the Prime Minister to the House of the People, now, under consideration in the appeals before us, it was suggested that all this was done, wholly and solely, though indirectly, with the object of validating the Prime Minister's election as a Member of the House of Representatives in 1971. It sought to place the Prime Minister and the Speaker in a separate class by themselves as candidates at a general election for the membership of the House of Representatives. It was urged that there could be no reasonable or logical nexus between the alleged objects of such a classification and the results of the amendment made. It was urged that, inasmuch as a Prime Minister holds the pivotal position in the governance of the country, there could not be a less and not more need to ensure that the election of the holder of such a high office to a Parliamentary seat had been free from any corrupt practice. It was urged that the test and the procedure for determining whether the holder of such an exalted, responsible, and important office was duly elected as a Member of Parliament could not, logically or reasonably be different from that which ordinary Members of the Parliament had to go through. It was pointed out that, in a case covered by this clause, there could be no consideration at all, if the amendment is upheld, of the validity of a past election by any authority in the future as all elections in this very special and exceptional class had been validated without any qualification and quite unconditionally. The effect was, it was urged, that the present

Prime Minister was placed in a very privileged and exalted position which was not enjoyed by a past Prime Minister and which was not meant to be occupied by any future Prime Minister. Such a procedure and such a result, it was contended, made a mockery of the concept of free and fair elections under a democratic system. Furthermore, it was urged that it was destructive of the concepts of rule of law, of equality before law, and of just determination of judicially triable disputes. Taking away of even the supervisory jurisdiction of superior Courts in elections of a certain class of dignitaries was characterised as a gross violation of a basic principle of our Constitution. It was also submitted that, if what was intended to be conveyed by the amendment was that Parliament had withdrawn the case before us from the sphere of judicial scrutiny and determination and had decided it itself, as was stated in his opening address by the learned Counsel for the original respondent, not merely was the basic constitutional principle of separation of powers set at naught but the primordial rule of natural justice, that no one should be a Judge in his own cause, had been infringed inasmuch as the dispute was really between a majority party and the numerically minority groups or parties in the Houses of Parliament. No hearing could be given to leaders of the numerically minority groups of parties in Parliament because they were, it was submitted, illegally detained under Preventive Detention laws after a declaration of emergency by the President of India, with the result that members of Parliament who did not support the ruling party were denied access to Courts so as to secure their release from detention and could not take part in proceedings which produced the Acts amending the Act of 1951, and, the 39th Amendment. I have already dealt with and rejected the objection to the proceedings of the Houses of Parliament, on the collateral ground of allegedly illegal detentions of opposition leaders.

All the contentions of learned Counsel for the election-petitioners, apart from the alleged procedural defect in amending the Act of 1951 and the Constitution when a number of opposition Members of Parliament are detained under the Preventive Detention laws, already dealt with by me, seemed directed towards producing two results either simultaneously or alternatively: firstly, to persuade us to hold that the constituent power had been exceeded or sought to be utilised for extraneous purposes falling outside the purview of Article 368 of the Constitution altogether, and, secondly, to convince us that the effects of the 4th clause of Article 329A must be such that, if this purported addition to our Constitution was upheld, the "basic structure" or the "basic features" or "the underlying principles" of our Constitution will be irreparably damaged so that it could not any longer be looked upon as the same Constitution. It was submitted that the majority view in *Kesvananda Bharti's case* (supra), which was binding upon us, will compel us to invalidate clause (4) of Art. 329A. There was, in the course of arguments, considerable overlapping between tests and considerations appertaining to the purposes and those involving the effects, consequences, or implications of clause (4) if it was upheld. It was proposed that purposes should be ascertained and their validity determined, *inter-alia*, in the light of the consequences and implications of upholding the validity of the impugned clause. Both sets of contentions involved a definition of the scope of Article 368 and a determination of the exact nature of the function actually performed by the constituent authorities in passing the impugned clause (4) of Article 329A.

We have heard the learned Attorney General and the learned Solicitor General of India, in defence of the 4th clause of Article 329A sought to be added by the 39th Amendment, as well as Mr. A. K. Sen and Mr. Jagannath Kaushal, learned Counsel for the original respondent, who also supported the validity of the impugned clause. The 1st contention of the learned Counsel seemed directed towards inducing us not to look beyond the language to discover the purposes or the nature of the function performed in passing clause (4) of Article 329 or its effects. This contention had necessarily to rest upon the assumption that provisions of clauses (4), (5) and (6) of Article 329A, sought to be introduced by the 39th Amendment, were valid and had the effect of depriving this Court of jurisdiction to determine the validity of clause (4) by exploring the purposes and objects which may lie behind the plain meaning of clause (4). Our difficulty, however, is that even an attempt to give its natural and literal meaning to every word used in Clause (4), after hearing the statements made by learned Counsel supporting the 39th Amendment, to the effect that Parliament had itself examined the validity of whatever order and findings

on question of fact or law are referred to there, and had reached the conclusion that the order and each of the findings of fact on which it was based must be adjudged to be void and of no effect, baffles us very much. This could only mean that Parliament, in its constituent capacity, had functioned as though it was a direct Court of Appeal from a judgment of the High Court while an appeal in the last Court is pending—a procedure which has not been shown to have been followed so far in any case brought to our notice either decided in this country or anywhere else in the world, all the cases cited to support such a view being distinguishable on facts and law applicable.

In the circumstances of this case, set out above, the findings on contested questions of fact and law and the order indicated by clause (4) could only be those contained in the judgment under appeal by both sides before us. The language of clause (4) was, according to the submissions of learned Counsel supporting the amendment, itself meant to convey that, after going into the disputed questions of fact, the constituent bodies had reached the conclusion that the order and the findings must have no legal effect. Indeed, the Solicitor-General went so far as to submit that Parliament must be deemed to be aware of the contents of the whole record of the proceedings in the High Court, including the pleadings, the evidence, and the findings in the judgment of the High Court, as these were all available to it. In other words, we must imagine and suppose that, whatever may be the actual position, Parliament had sat in judgment over the whole case as a Court of appeal would have done. But, the impugned clause (4), if valid, would compel us to make a contrary assumption inasmuch as it declares that all laws prior to the 39th Amendment, relating to election petitions and "matters connected therewith", which must include the grounds given in Section 100 of the Representation of the People Act, 1951, were neither to be applied nor ever deemed to have applied to such a case as the one before us. This surely meant that they must be "deemed" not to have been applied by Parliament itself, according to the well known rule of construction that a legal fiction, introduced by a deeming provision, must be carried to its logical conclusion and we must not allow our imagination to boggle at the consequences of carrying the fiction to its logical conclusions (See : *East End Dwellings Co. Ltd. vs. Finsbury Borough Council*) (1).

At the same time, it was contended, and this was especially emphasised by Mr. Jagannath Kaushal, that Parliament and the ratifying legislatures of the States—participating in the constitution making process—had not applied any pre-existing norms but had merely declared and registered, almost automatically without any need to consider anything further or to apply any law whatsoever to any facts, what followed from the abrogation of all pre-existing law, with its procedure and norms, so far as the election-petition against the original respondent was concerned. This meant that the constituent bodies, proceeding on the assumption that the High Court had rightly held the original respondent's election to be invalid by applying the provisions of the 1951 Act, had considered it necessary to validate what really was invalid according to the 1951 Act. In view of what I have already held on merits, such an assumption, if it was there at all, could only be based on a mis-conception.

The conflicting points of view, advanced in support of the amendment, enabled the election-petitioner's counsel to find support for his contention that the impugned clause (4) obviously meant that a considered judgment on, *inter alia*, disputed questions of fact, however erroneous, had been swept aside, quite unceremoniously, mechanically, and, without a semblance of a quasi-judicial procedure, by a purported exercise of constituent power by the constituent bodies, consisting of the two Houses of Parliament and the ratifying legislatures of the various States. He urged that the alternative contentions of Mr. Kaushal constituted an admission that no procedure whatsoever, which could be considered either reasonable or appropriate for a judicial or quasi-judicial determination of any question of fact or law was followed. He contended that whichever of the two alternative contentions of counsel supporting the 39th Amendment was accepted by us, his submission, that the amendment was ultra-vires, arbitrary, and improperly motivated was made out.

The essence of judicial or quasi-judicial function is the application of a law which is already given by the law making authority to the judicial or quasi-judicial authority to apply. This law has to be applied to certain findings after determining the disputed questions of fact in a manner which must conform to the canons of natural justice. Learned Counsel for the election-petitioner contended that it was not necessary to go beyond clause (4) to reach the conclusion that what was being done to decide a dispute which could, under the law as it existed till then, only be judicially determined in the mode prescribed by Article 329(b) read with the Act of 1951 which could not be circumvented even before Article 329A engrafted exceptions on it and the Act of 1951 had been repealed retrospectively in its application to the Prime Minister. The result of a sort of consolidated legislative-cum-adjudicatory function was sought to be embodied in Article 329A(4) by purported Constitutional amendment. He contended that we were bound to consider and decide whether the "constituent power" contained in Article 368 of the Constitution was meant to be used in this manner. Such use would, he submitted, fall outside Article 368. Hence, he submitted, there was no need to resort to principles emerging from a consideration of what may be spoken of as the basis structure or essential features of the Constitution. It was enough if we held that "constituent power" did not cover such a use made of it. Learned Counsel for the election-petitioner had thus advanced an alternative contention based upon the meaning of the term "constituent power" introduced by the 24th amendment and in my opinion, we are duty bound to interpret Article 368 and determine the precise meaning of "constituent power" when properly called upon by a party before us to do so. Indeed, the very contention that we should so construe "constituent power" as to deny ourselves the jurisdiction to decide the validity of what was done under a purported exercise of such a power involves a determination of its meaning. I fail to see how our purisriction to do this could be barred by the provisions of the very amendment whose constitutional validity is challenged before us.

Learned Counsel supporting the 39th Amendment, had, in defence of the Amendment, advanced arguments which go beyond the position which was adopted to support the amendments considered by us in *Kesvananda Bharti's case* (supra). The new argument now advanced, to use the language of the Solicitor General in his last written submissions, is that "the power of amendment under Article 368" is "the very original power of the people which is unbroken into the legislative and the executive and the judicial". He submitted that the implied limitations, to which the majority decision in *Kesvananda Bharti's case* (supra) has committed this Court for the time being, are no longer available when considering this "unbroken" power. Mr. A. K. Sen, learned Counsel for the original-respondent, puts this very argument in the following words in his written submissions:

"In the hands of the constituent authority there is no demarcation of powers. But the demarcation emerges only when it leaves the hands of the constituent authority through well defined channels into demarcated pools. The constituent power is independent of the fetters or limitations imposed by separation of powers in the hands of the organs of the Government, amongst whom the supreme authority of the State is allocated.

The constituent power is independent of the doctrine of separation of powers. Separation of powers is when the constitution is framed laying down the distribution of the powers in the different organs such as the legislative, executive and the judicial power. The constituent power springs as the fountain head and partakes of sovereignty and is the power which creates the organ and distributes the powers. Therefore, in a sense the constituent power is all embracing and is at once judicial, executive and legislative, or in a sense super power. The constituent power can also change the system of checks and balances upon which the separation of powers is based".

The theory advanced before us may have been designed to escape the logical consequences of the majority view in *Kesvananda Bharti's case* (supra) which we cannot, sitting as a Bench of five judges in this Court, overrule. The theory is, however, quite novel and has to be, I think, dealt with by us. It postulates an undifferentiated or amorphous amal-

(1) (1952) A. C. p. 109.

gam of bare power constituting the "constituent power". According to this theory, the power which constitutes does not need to be either constituted or prevented from exercising a power assigned by it already to a constituted authority. Hence, it is a power of a kind which is above the constitution itself. If I am not mistaken, the learned Solicitor General did say that the constituent power lies "outside" the Constitution. In other words, it is independent and above the Constitution itself because it operates on the Constitution and can displace it with, so to say, one stroke of its exercise. I do not think that such an extreme theory could be supported by the citation of either the majority or minority views of Judges, barring stray remarks made in other context, either in the *I. C. Golaknath vs. State of Punjab*'s(1) case or in the *Kesvananda Bharti's* case (supra). In fact, in neither of these two cases was the question raised nor considered at all by this Court whether the amending power or the "Constituent power" itself constituted such an amalgamated concentration of power, said to be distributed by the Constitution between the three different organs of State at a "subsequent stage" whatever this may mean. The distribution of power of different kinds between the three organs was compared to delegation of authority to agents which could be withdrawn at any time by the constituent bodies.

If we were to accept the theory indicated above, it would make it unnecessary to have a constitution beyond one consisting of a single sentence laying down that every kind of power is vested in the constituent bodies which may, by means of a single consolidated order or declaration of law, exercise any or all of them themselves whenever they please whether such powers be executive, legislative, or judicial could this be the ambit of "constituent power" in our Constitution? Would such a view not defeat the whole purpose of a Constitution? Does the whole constitution so crumble and melt in the crucible of constituent power that its parts cannot be made out? Before we could accept a view which carries such drastic implications with it we will have to over-rule the majority view in *Kesvananda Bharti's* case (supra). The majority view in that case, which is binding upon us, seemed to be that both the supremacy of the Constitution and separation of powers are parts of the basic structure of the Constitution.

If "constituent power", by itself, is so transcendental and exceptional as to be above the provisions of the Constitution itself, it should not, logically speaking, be bound even by the procedure of amendment prescribed by Article 368(2). I have not found any opinion expressed so far by any learned judge of this Court to show that the constituent power is not bound by the need to follow the procedure laid down in Article 368(2) of the Constitution. Indeed, rather inconsistently with the theory of an absolute and unquestionable power in some undifferentiated or raw and unfettered form, operating from above and outside the Constitution, learned Counsel, supporting the impugned 4th clause in Article 329A concede that the constituent power is bound by the appropriate procedure laid down in Article 368 for the amendment of the Constitution. What they urge is that, subject to this procedure, which has been followed here, the constituent power cannot be questioned because it is a "sovereign power". The logical consequence of such an argument also is that the majority view in *Kesvananda Bharti's* case (supra) was erroneous. It also overlooks that judicial review of laws made by Parliament is always a review of an exercise of "sovereign power". It may be that the object of the learned Counsel in advancing this extraordinary theory was to induce us to refer this case to a much larger bench so that the majority view in *Kesvananda Bharti's* case (supra) may, if necessary, be overruled. I, however, doubt whether putting forward such extreme and untenable propositions is the best method of securing such a result.

I think that the possibly theoretical question indicated above, whatever may be the object of raising it, does deserve to be seriously considered and answered by us because it discloses a basic misconception. Therefore, I propose to consider it at a length which seems to me to be justified by our need to clarify our thinking on a basic or "key" concept without a final commitment to a particular view on it. Clearer thinking, by examining a basic theoretical question from every conceivable angle, leads, I believe, to that open mindedness which is needed by lawyers no less than by any other class today so that we may, contrary to our reputation, be

responsive to the inevitable challenges of change. Justice Holmes once said: "Theory is the most important part of the dogma of law, as the architect is the most important man who takes part in the building of a house" [Holmes, Collected papers (1921) 200].

It seems to me that the words "sovereignty" and "sovereign power, used repeatedly by learned Counsel defending the 39th Amendment to describe the constituent power, should, for several good reasons, be avoided, so far as possible, by lawyers who seek that clarity of thought for which precision in language is the first requirement. One of these reasons was given by Lord Bryce (Studies in "History and Jurisprudence" (1901) (503-504). "The frontier districts if one may call them so, of Ethics, of Law, and of political science have been thus infested by a number of vague or ambiguous terms which have produced many barren discussion and caused much needless trouble to students... No offender of this kind has given more trouble than the so-called 'Doctrine of Sovereignty'". Prof. Mellwain, however, opined: "But this very fact is proof of its vital importance in our modern world, and the wide variety of the views held concerning its essence, as well as the conflicting conclusions to which these views still lead, may furnish sufficient excuse for another attempt to clarify some of our ideas touching this central formula under which we try to rationalize the complicated facts of our modern political life". Another reason for eschewing such expressions, so far as possible, is that they are "emotive" or of a kind about which Mr. Leonard Schapiro, (writing on "Key concepts in Political Science" Series, at p. 7) rightly observed; "Emotive words such as 'equality', 'dictatorship', 'elite' or even 'power' can often, by the very passions which they raise, obscure a proper understanding of the sense in which they are, or should be, or should not be, or have been used. Confucius regarded the 'rectification of names' as the first task of government. 'If names are not correct, language will not be in accordance with the truth of things', and this in time would lead to the end of justice, to anarchy and to war". At any rate, in America, the concept of State Sovereignty, ranged against that of national sovereignty, did produce a civil war which is said to have been precipitated by the decision of the American Supreme Court in *Dred Scott vs. Sandford*(2).

I must preface my observations here about the concepts of "sovereignty" and exercise of "sovereign power", between which I make a distinction, with two kinds of explanation. The first kind involves an exposition of a functional or sociological point of view. I believe that every social, political, economic, or legal concept or doctrine must answer the needs of the people of a country at a particular time. I see the development of concepts, doctrines, and institutions as responses to the changing needs of society in every country. They have a function to fulfil in relation to national needs. The second type of explanation may be called historical or meant merely to indicate and illustrate notions or concepts put forward by thinkers at various times in various countries so as to appropriately relate them to what we may find today under our Constitution. We have to appreciate the chronology or stages of their development if we are to avoid trying to fit into our Constitution something which has no real relevance to it or bearing upon its contents or which conflicts with these. It must not, if I may so put it, be constitutionally "indigestible" by a constitution such as ours. Of course, it is not a secret that we have taken some of the basic concepts of our Constitution from British and American Constitutions in their most developed stages. That too must put us on our guard against attempts to foist upon our Constitution something simply because it happens to be either a British or American concept of some particular period which could not possibly be found in it today. Therefore, both types of explanation appear to be necessary to an exposition of what may or may not be found in our Constitution.

I certainly do not think that Judges of this Court have or should think that they have the power to consciously alter, under the guise of judicial interpretation, what the Constitution declares or necessarily implies even though our pronouncements, interpreting the Constitution, may have the effect of contributing something to the growth or even change

of Constitutional law by clearing doubts, removing uncertainties, or filling up of gaps to a limited extent. If the law embodied in our Constitution, as declared by this Court, is not satisfactory. I do not think that we can or should even attempt to stand in the way of a change of any kind sought through appropriate constitutional means by the constitutionally appointed organs and agencies of the State. If, however, this Court is asked to declare as valid what seems to it to fall clearly outside the ambit of the Constitution, and, indeed, what is even claimed to be operating from outside the Constitution and described as a supra-Constitutional power, there may be no alternative left to it except to declare such a claim to be really outside the Constitution. If we were to do that we would only be accepting the professed basis of the claim without conceding its constitutional validity. After all, we are really concerned with the questions of constitutional validity which can only be resolved by references to what the Constitution contains, either expressly or by a necessary implication, and not with what is beyond its range except in so far as this also may be necessary to explain what is or what is deemed to be a part of our Constitution.

The term "sovereign" is derived from the Latin word "Superanus" which was akin to "Suzerian" suggesting a hierarchy of classes which characterised ancient and medieval societies. In its origin, it is an attribute assigned to the highest living human superiors in the political hierarchy and not some abstract quality of a principle or of a law contained in a document—a meaning, as will be shown here, which emerges clearly later. In times of anarchic disorder or oppression, by local satraps or chieftans or barons or even bullies and criminals, ordinary mortals have sought the protection of those who could give it because of their superior physical might. No book or document could provide them with the kind of help they needed. They looked upto their "Sovereign liege and Lord", as the medieval monarch was addressed by his subjects, for protection against every kind of tyranny and oppression.

The Greeks and Romans were not troubled by theories of "Sovereignty" in a State. The principle that Might was Right was recognised as the unquestioned legally operative principle atleast in the field of their Constitutional laws. Greek philosophers had, however formulated a theory of a Law of Nature which was, morally, above the laws actually enforced. In later stages of Roman Law, Roman jurists also, saturated with Greek notions of an ethically superior law of Nature, said that the institution of slavery, which gave the owner of a slave theoretically absolute power of life and death over the slave, just like the powers of a paterfamilias over his children, was contrary to *jus naturale* although it was recognised by *jus gentium*, the laws of then civilised world. Aristotle, in his analysis of forms of government, had emphasized the importance of the Constitution of a State as a test or determinant of sovereign power in the State. And, Roman jurists, had, indirectly, cleared the path for the rise of modern legalism and constitutionalism by rescuing law itself from the clutches of a superstitious reverence for customs, surrounded with ceremonial and ritualistic observances and cumbersome justice defeating formalism, through fiction and equity, and forged a secular and scientific weapon of socio-economic transformation. All this was very useful in preparing for an age in which secular law could displace religion as the "control of controls" (See : Julius Stone's "Province & Function of Law", 1961 Edn. p. 754, 767).

Romans not only clarified basic notions but developed a whole armoury of new forms in which law could be declared or made; Lex; Plebiscitum; Magistratum Edicta; Senatusconsulta; Responsa Prudentium; Principum Placita. The last mentioned consisted of orders of Roman Emperors which were of various kinds, some of general application to cases of particular kinds and others for particular individual cases : Edicta; Decreta, Mandata, Rescripta. They had the "force of law" or "Lex" which could be roughly equated with our statutory law. "Decreta" were issued as decisions on individual disputes, in exercise of the Emperor's power "under" the authority of "Lex deimperio" although "in the classical period it was firmly established that what the Emperor ordained had the force of law" (See : R. W. Leagh on Roman Law, Edn. 1961 p. 32). The point to note is that, even in the embryonic stages of government through legislation law making and decision of individual cases are found distinctly separate.

After the break-up of the Roman Empire, there were attempts in medieval Europe, both by the Church and the kings, to develop spiritual and temporal means for checking wrong and oppression. Quests for the superior or a sovereign power and its theoretical justifications by both ecclesiastical and lay thinkers were parts of an attempt to meet this need. The claims of those who, as vicars of God on earth, sought to meddle with mundane and temporal affairs and acquire even political power and influence were, after a struggle for power, which took different forms in different countries, finally defeated by European Kings with the aid of their subjects. Indeed, these Kings tried to snatch, and, not without success, to wear spiritual crowns which the roles of "defenders of the faith" carried with them so as to surround themselves with auras of divinity.

The theory of a legally sovereign unquestionable authority of the King, based on physical might and victory in battle, appears to have been developed in ancient India as well, by Sh. Kautilya, although the concept of a Dharma, based on the authority of the assemblies of those who were learned in the dharmashastras, also competed for control over exercise of royal secular power. High philosophy and religion, however, often seem to have influenced and affected the actual exercise of sovereign power and such slight law-making as the King may have attempted. The ideal King, in ancient India, was conceived of primarily as a Judge deciding cases or giving orders to meet specific situations in accordance with the Dharma Shastras. It also appears that the actual exercise of the power to administer justice was often delegated by the King to his judges in ancient India. Indeed, according to some, the theory of separation of powers appears to have been carried so far (See : K. P. Jayaswal in "Manu and Vajnavalkya"—A basic History of Hindu Law—1930 Edu. p. 82) that the King could only execute the legal sentence passed by the Judge.

We know that Semetic propets, as messengers of God, also became rulers wielding both spiritual and political temporal power and authority although to Jesus Christ, who never sought temporal power, is ascribed the saying: "render unto Caesar the things that are Caesars and to God things that are God's". According to the theory embodied in this saying, spiritual and temporal powers and authorities had to operate in different orbits of power altogether. Another theory, however, was that the messenger of God had given the sovereign will of God Almighty which governed all matters and this could not be departed from by any human authority or ruler. In the practical administration of justice, we are informed, Muslim caliphs acknowledged and upheld the jurisdiction of their Kazis to give judgment against them personally. There is an account of how the Caliph Omar, being a defendant in a claim brought by a Jew for some money borrowed by him for purposes of State, appeared in person in the Court of his own Kazi to answer the claim. The Kazi rose from his seat out of respect for the Caliph who was so displeased with this unbecoming conduct that he dismissed him from office. (See : Sir A. Rahim's "Muhammadan Jurisprudence" (1958) p. 21).

The theory, therefore, that there should be a separation of functions between the making of laws, the execution of laws, and the application of laws, after ascertaining facts satisfactorily, is not new. It is embedded in our own best traditions. It is dictated, if by nothing else, by common sense and the principle of division of labour, without an application of which efficient performance of any duties cannot be expected.

We may now look back at the theory and practice of sovereignty in Europe. There, wise Kings, in the Middle ages, sought the support of their subjects in gatherings or "colloquia", which, in the words of Mr. De Jouvenel (See : "Sovereignty an Inquiry into the Political Good" p. 177), "had the triple character of a session of justice, a council of State and the timid beginnings of a legislative assembly were the means by which the affairs of the realm came more and more into the hands of the King". He goes on to observe : "The council of the King and the Courts of justice progressively developed an independent life, the assembly remaining under the name of Parliament in England and States-General in France".

Bodin, writing in the reign of Henry the III of France (1551 to 1589), viewed sovereignty as an absolute unlimited power which, though established by law, was not controlled

by it. According to him, under an ideal system, sovereignty was vested in the King by divine right. The King's word was law. But, even according to Bodin, although the Sovereign was free from the trammels of positive law, as he was above it, yet, he was "bound by divine law and the law of nature as well as by the common law of nations which embodies principles distinct from these" (See: Dunning's "History of Political Theories: Ancient & Medieval" p. 28). Hobbes, a century later continued this line of thinking on an entirely secular and non-moral plane. He opined: "Unlimited power and unfettered discretion as to ways and means are possessed by the sovereign for the end with a view to which civil society is constituted, namely, peace and escape from the evils of the State of nature", in which the life of individuals was "nasty, brutish, and short". Although, Hobbes visualised the existence of a social compact as the source of the authority of the sovereign, yet, he looked upon the compact only as a mode of surrender by the subjects of all their individual rights and powers to the sovereign who could be either an individual or a body of persons. Subjects, according to him, had no right to rely upon the compact as a means of protection against the sovereign. He provided the fullest theoretical foundations of a Machiavellian view of sovereignty.

As we know, in the 17th and 18th centuries, European monarchs came in sharp conflict with the representatives of their subjects assembled in "Parliament" in England and in the "States-General" in France. And, theories were put forward setting up, as against the claims of Kings to rules as absolute sovereigns by indefensible divine right, no lesser claims to inviolability and even divinity of the rights of the people. But, theories apart, practice of the art of Government proves that the effective power to govern, by the very nature of conditions needed for its efficient exercise, has had to be generally lodged in one or few especially in times of crisis, but not in all those who represent the people even under democratic forms of Government. Direct democracy, except in small city States such as those of ancient Greece, is not practically feasible.

Theories of popular sovereignty put forward by Locke and Rousseau came to the fore-front in the 17th and 18th centuries—an era of revolutionary changes and upheavals. The theory of certain immutable individual natural rights, as the basis of a set of positive legal rights, essential and necessary to the fulfilment of the needs of human beings as individuals, was advanced by Locke. He visualised a social contract as a means of achieving the welfare of individuals composing Society. He also advocated separation of powers of government in a Constitution as a method of securing rights of individual citizens against even their own Governments. Montesquieu elaborated this theory. The ideas of Rousseau were amongst those which contributed to produce that great conflagration, the French Revolution, which was described by Carlyle as the "bonfire of feudalism". Government, according to Rousseau, in all its Departments, was the agent of the General Will of the Sovereign people whose welfare must always be its aim and object. But, the General Will for the time being was also liable to err about the particular means chosen to achieve the ends of good Government. There was, according to Rousseau, also another part of the "General Will" which was more permanent and stable and unerring and decisive. He hinted that there was what Bosanquet (See: The Philosophical Theory of the State—Chap. V) called the "Real Will", the basis of which was found in Rousseau's Philosophy. As pointed out by T. H. Green, in his Lectures on "principles of Political Obligation" (1931 Edn. p. 82) Rousseau's theory of Sovereignty was designed to bring out that:

"there's on earth a yet auguster thing, veiled though it be, than Parliament and King."

T. H. Green said: "It is to this 'auguster thing', not to such supreme power as English lawyers held to be vested in 'Parliament and king', that Rousseau's account of the sovereign is really applicable".

The ideas of Rousseau were subsequently used by Hegelian and Idealist political philosophers to deify the State as the repository of the "Real Will" of the people and by Marxists to build their theory of a dictatorship of the proletariat. But, the views of Locke and Montesquieu were sought to be given a practical form by American Constitution makers, who imbued with them, devised a machinery

for the control of sovereign power of the people placed in the hands of the three organs of State so that it may not be misused. Suspicion of Governmental power and fear of its misuse, which characterised liberal democratic thinking, underlay the doctrine of separation of powers embodied in the American Constitution.

"The merits of democracy", according to Bertrand Russell (See: "Power: A new Social Analysis" p. 187) "are negative: it does not insure good government, but it prevents certain evils". He pointed out (at p. 188): "It is possible, in a democracy, for the majority to exercise a brutal and wholly unnecessary tyranny over a minority... The safeguarding of minorities, so far as is compatible with orderly Government, is an essential part of the taming of power". He also said (at p. 192): "Where democracy exists, there is still need to safeguard individuals and minorities against tyranny, both because tyranny is undesirable in itself, and because it is likely to lead to breaches of order. Montesquieu's advocacy of the separation of legislative, executive, and judiciary, the traditional English belief in checks and balances, Bentham's political doctrines and the whole of nineteenth century liberalism, were designed to prevent the arbitrary exercise of power. But such methods have come to be considered incompatible with efficiency".

Some quite honest, upright, and intelligent people think that the inefficiency, the corruption, the expense, the waste of time and effort, and the delay in accomplishing what they regard as much too urgently needed socio-economic and cultural transformations of backward peoples today, involved in treading the democratic path, are so great that they would readily sacrifice at least some of the democratic processes and such safeguards against their misuse as separation of powers and judicial review are meant to provide. They would not mind taking the risk of falling into the fire to escape from what they believe to be a frying pan. Some may even agree with Bernard Shaw, who liked to look at everything turned upside down in attempts to understand them, that Democracy, with all its expensive and time-consuming accompaniments, is, even in the most advanced countries, only a method of deluding the mass of the people into believing that they are the rulers whilst the real power is always enjoyed by the few who must be judged by the results they produce and not by their professions. Others regard democracy as the only means of achieving the highest good and the greatest happiness of the greatest number. They consider its maintenance to be inextricably bound up with the preservation of the basic individual freedoms and a supporting mechanism or structure of checks and balances, separation of powers, and judicial review. What some believe to be obstacles to any real progress are looked upon by others as almost sacred institutions essential for the protection of their lives and liberties, hearths and homes, occupations and means of livelihood, religions, languages, and cultures. Inevitability of change is, according to some, the basic and inescapable law of all life. The only questions to be considered being its pace and direction: how soon or how late and whether the change is to be for the better or for the worse? "El Dorado", some believe, lies ahead. Our march towards it, they say, should be orderly and disciplined. To others all change is anathema as it is generally for the worse. The Golden Age, some believe, lay in the past. Salvation of mankind, they think, lies in a return to the imagined pristine virtues of that past. Some assert that certain amendments of our Constitution have "defaced and defiled" it (See: Mr. Palkhivala's "Our Constitution"). Others maintain that these very amendments have made our Constitution a more potent instrument of those socio-economic and cultural transformations for which the Constitution was designed (See: Dr. V. A. Sevid Muhammad's "Our Constitution for Haves or Havenots?").

Judges must, no doubt, be impartial and independent. They cannot, in a period of intensified socio-economic conflicts, either become tools of any vested interests, or function, from the bench, as zealous reformers propagating particular causes. Nevertheless, they cannot be expected to have no notions whatsoever of their own, or to have completely blank minds on important questions indicated above which, though related to law, really fall outside the realm of law. They cannot dwell in ivory towers or confine their processes of thinking in some hermetically sealed chambers of purely legal logic artificially cut off from the needs of life around to which law must respond. Their differing individual philosophies, outlooks, and attitudes on vital questions, resulting from differences in temperament, education, tradition, training, interests

and experiences in life, will often determine their honest choices between two or more reasonably possible interpretations of such words as "amendment" or "constituent power" in the Constitution. But, on certain clear matters of principle, underlying the Constitution, no reasonable person could entertain two views as to what was or could be really intended by the Constitution makers. One of these matters, clear beyond the region of all doubt, seems to me to be that the judicial and law making functions, however broadly conceived, could not possibly have been meant to be interchangeable. They are not incapable of distinction and differentiation. In any constitutionally prescribed sphere of operation of power including that of "constituent power". Each has its own advantages and disadvantages and its own natural *modus operandi*.

A lamentable example of what took place in the course of English Constitutional history when a House of Commons, composed of very intelligent and learned people, one of whom, *Holt*, subsequently became a distinguished Chief Justice of England, took upon itself to sit in judgment on a decision of two Judges of the King's Bench Division, one of whom was suspected of being a partisan of Royal prerogative and power at a time when a struggle for supremacy between the competing legal claims of the King, as the titular sovereign, and those of the House of Commons, as representing the people, was still going on. In strict law, which was unwritten, the position on that problem of power was not quite clear at that time. The episode is thus described by Lord Denman, C.J., in *Stockdale v. Hansard*(1) (at p. 1163) :

"The next case to which I advert in truth embraced no question of privilege whatever; but, as one of the highest authorities in the State has thought otherwise, I shall offer some comments upon it. I mean *Jay v. Topham* (112 How St. Tr. 821). The House of Commons ordered the defendant, their serjeant-at-arms, to arrest and imprison the plaintiff for having dared to exercise the common right of all Englishmen, of presenting a petition to the King on the state of public affairs, at a time when no Parliament existed. For this imprisonment an action was brought. The declaration complained, not only of the personal trespass, but also of extortion of the plaintiff's money practised by defendant under colour of the Speaker's warrant. The plea of justification under that warrant, which could not possibly authorise the extortion, even if it could the arrest, was over-ruled by this Court, no doubt with the utmost propriety, for the law was clear; Lord Ellenborough points this out in the most forcible manner, in 14 East, 109. Yet for this righteous judgment C.J. Pemberton and one of his brethren were summoned before the Convention Parliament, when they vindicated their conduct by unanswerable reasoning but were, notwithstanding, committed to the prison of Newgate for the remainder of the session. Our respect and gratitude to the Convention Parliament ought not blind us to the fact that his sentence of imprisonment was as unjust and tyrannical as any of those acts of arbitrary power for which they deprived King James of his Crown. It gave me real pain to hear the Attorney-General contend that the two Judges merited the foul indignity they underwent, as they had acted corruptly in concert with the Duke of York. In support of this novel charge, he produced no evidence, nor any other reason but that the plea, as set out in Nelson's Abridgement (a), appears to have been in bar, and not to the jurisdiction. But the Commons, who knew their own motives, made no such charge: the record produced there, on law, exhibits a bad plea for the reasons assigned by Lord Ellenborough; and the judgment annulled by the Commons could not have been different without a desertion of duty by the Judges".

[(a) 2 Nels. Abr. 1248. The plea there is that pleaded, not in *Jay v. Topham*, but in *Verdon v. Topham*. See 14 East, 102 note (a).]

In *Stockdale Vs. Hansard* (supra) the action of the House of Commons, on *Jay Vs. Topham* (supra), was practically

declared to be illegal or unconstitutional for arbitrariness. The sovereign British Parliament, however, did not alter but has acquiesced in the law as stated by Lord Denman who pointed out, by references to a number of precedents, that Common Law Courts had continuously been determining questions relating to the very existence of an alleged privilege and defining its orbit on claims based on the ground of a Parliamentary privilege. And, English Courts have gone on doing this unhesitatingly after *Stockdale v. Hansard* (supra), just as they had done it earlier, as a part of their function and duty to interpret and declare the law as it exists.

Let me go back a little further to the time when another English Chief Justice, *Sir Edward Coke*, who, on being summoned, with his brother Judges, by King James the 1st, to answer why the King could not himself decide cases which had to go before his own Courts of justice, asserted : "**** no king after the conquest assumed to himself to give any judgment in any cause whatsoever, which concerned the administration of justice within this realm, but these were solely determined in the Courts of Justice". When the king said that "he thought the law was founded on reason, and that he and others had reason, as well as the Judges", Coke answered :

"True it was, that God had endowed his Majesty with excellent science, and great endowments of nature; but his Majesty was not learned in the laws of his realm of England, and causes which concern the life, or inheritance, or goods or fortunes of his subjects, are not to be decided by natural reason, but by the artificial reason and judgment of the law, which law is an act which requires long study and experience, before that a man can attain to the cognizance of it; and that the law was the golden met-wand and measure to try the causes of the subjects; and which protected his Majesty in safety and peace".

(The "Higher Law" background of American Constitutional law by Edward S. Corwin p. 38-39).

We know that Coke even advanced the claim, in *Bonham's* (1) case, that Courts could invalidate acts of Parliament if they contravened rules of natural justice such as that a man shall not be heard before he is condemned or that he should be a Judge in his own cause. As *Iver Jennings* points out, in an appendix to "The Law and the Constitution" (5th Edn. 1959 p. 318) the theory of Parliamentary sovereignty or supremacy could, by no means, be said to be firmly established in England in Coke's time.

Blackstone, while enunciating the theory of Parliamentary sovereignty in the 19th century, as it was to be later expounded in the 20th century by *Prof. A. V. Dicey*, also claimed superiority for "the law of nature which was common to all mankind". He said about this law :

"It is binding over all the globe, in all countries, and at all times : no human laws are of any validity if contrary to this; and such of them as are valid derive all their force and all their authority, mediately or immediately, from this original;" (See : *Dicey's Law of the Constitution* p. 62).

It is a matter of legal and Constitutional history that English Judges finally rejected claims based upon vague Philosophical concepts or upon a law of nature or appeals to the "Yet august thing" pitted against statutory law except in so far as certain rules of natural justice and reason could impliedly be read into acts of Parliament due to absence of statutory prohibition and the need to observe them having regard to the character of the function required by a statute to be performed. Constitutional historians, such as *Holdsworth*, have pointed out how English Common Lawyers, some presiding as Judges over King's Courts of Justice, others sitting in Parliament as Legislators, joined hands to evolve, sustain, and give life to principles of "Sovereignty of Parliament" and the "Rule of Law" as understood by them. *Dicey* asserted, in his "Law of the Constitution", that both these principles so operated as to reinforce each other instead of coming into conflict with each other. One wonders whether this could be said of later times when the need for more rapid transformations of social and economic orders, in an effort to build up

(1) 112 English Rep. 1112 @1163.

(1) (1610) 8 Co. Repl. 118

a welfare State in Britain, led to serious curtailments of what were at one time considered natural and inviolable rights and to adoption of legislative devices such as Henry VIIIth clause. We know that these developments evoked a powerful protest from a Chief Justice of England, *Lord Hewart*, who wrote a book on the subject : "New Depotism". Today, however, it cannot be said that the Courts of justice in England do not see the implications of a welfare Socialistic State which may demand the curtailment of liberties of subjects in many directions in order that the substance of democratic freedom, only attainable through removal of economic, social, and educational disparities and barriers, may be attained.

Willis, dealing with the development of American Constitutional Law, wrote about the claim of Coke, mentioned above, to invalidate Acts of Parliament by reference to certain fundamental principles of natural justice and of common law (See : Willis on Constitutional Law—Edn. 196 p. 76) :

"This dictum of Coke, announced in *Dr. Bohman's case* (1610), 8 Co. Rep. 118A) was soon repudiated in England, but the doctrine announced in Coke's dictum found fertile soil in the United States and sprouted into such a vigorous growth that it was applied by the United States Supreme Court in the decision of cases coming before it; and it has been said that the doctrine of the supremacy of the Supreme Court is the logical conclusion of Coke's doctrine of control of the Courts over legislation".

It seems to me that judicial review of all law making, whether it appertains to the sphere of fundamental law or of ordinary law, is traceable to this doctrine of judicial control by reference to certain basic principles, contained in a Constitution and considered too inviolable to be easily alterable. It may be that this doctrine is unsuitable for our country at a time when it is going through rapid socio-economic transformation. Nevertheless, so long as the doctrine is found embodied in our Constitution, we cannot refuse to recognise it.

In America, there was some doubt whether the doctrine of judicial review of all legislation naturally flowed out of the vesting of judicial power by Section 1 of Article 3 of their Constitution which says :

"The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may, from time to time, ordain and establish".

(Willis on Constitutional Law—p. 1020).

There is no article there, like Article 13 of our Constitution, which declared any kind of legislation abridging or taking away fundamental rights to be "void". The doubt was not without substance. It was removed by Chief Justice Marshall whose judgment in *Marbury v. Madison*(1), firmly established the doctrine of judicial review and the supremacy of the Supreme Court of America, in the judicial field of interpretation, as the mouthpiece of the Constitution, and, therefore, of the "Real Will" of the people themselves. The Constitution, as the basic or fundamental law of the land, was to operate there as the touchstone of the validity of ordinary laws just as the validity of laws made by British colonial legislatures was tested by reference to the parental Act of the British Parliament.

Under our Constitution, by Article 141 of the Constitution, power is vested only in the Supreme Court and in no other organ or authority of the Republic to declare the law "which shall be binding on all Courts within the territory of India". Section 143 of the Constitution of India also shows that whenever questions of fact or law have either arisen or are likely to arise, the President of India may, in view of their public importance, seek the opinion of the Supreme Court, by a reference made to the Court. The procedure on such a reference is that of a judicial authority which hears those interested and then gives its opinion. Article 32 of the Constitution gives a wide power to the Supreme Court "to issue directions or orders or writs", which is larger than that of the British Courts issuing prerogative writs, although it is confined to the enforcement of

the rights conferred by part 3 dealing with fundamental rights. The power of the High Courts of the various States under Article 226 of the Constitution to issue appropriate directions, orders, or writs "to any person or authority including in appropriate cases any Government", within the territories under its jurisdiction, extends to "any other purpose", that is to say, to purposes other than enforcement of fundamental rights. Article 227 also contains the power of a High Court to superintend the functioning of "all Courts and Tribunals" within its jurisdiction. These powers of the High Courts are subject to appeals to the Supreme Court, which is also a repository of a special jurisdiction under Article 136 to grant special leave to appeal "from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any Court or Tribunal in the territory of India". It is true that there is no mention or vesting of judicial power, as such, in the Supreme Court by any Article of our Constitution, but, can it be denied that what vests in the Supreme Court and High Courts is really judicial power? The Constitution undoubtedly specifically vests such power, that is to say, power which can properly be described as "judicial power", only in the Supreme Court and in the High Courts and not in any other bodies or authorities, whether executive or legislative, functioning under the Constitution. Could such a vesting of power in Parliament have been omitted if it was the intention of Constitution makers to clothe it also with any similar judicial authority or functions in any capacity whatsoever?

The claim, therefore, that an amalgam or some undifferentiated residue of inherent power, incapable of precise definition and including judicial power, vests in Parliament in its role as a constituent authority, cannot be substantiated by a reference to any Article of the Constitution whatsoever substantive or procedural. Attempts are made to infer such a power from mere theory and speculation as to the nature of the "Constituent power" itself. I do not think that, because the constituent power necessarily carries with it the power to constitute judicial authorities, it must also, by implication, mean that the Parliament, acting in its constituent capacity, can exercise the judicial power itself directly without vesting it in itself first by an amendment of the Constitution. The last mentioned objection may appear to be procedural only, but, as a matter of correct interpretation of the Constitution, and, even more so, from the point of view of correct theory and principle, from which no practice should depart without good reason, it is highly important.

This impels me to consider such theories of sovereignty as we may find embedded in our Constitution. It is noteworthy that the phrase "Sovereignty and integrity of India" was inserted in 1963 Article 19 (2), (3) and (4), to denote the political independence and wholeness of the country vis a vis other countries. It was also introduced in the oaths of "allegiance" to Constitution prescribed in the Third Schedule indicate that the duty to uphold "the Sovereignty and integrity of India" follows from a recognition of the supremacy of the Constitution. The term "sovereign" is only used in the preamble of our Constitution, which says :

"We, the people of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all its citizens :

.....
.....
.....

In our constituent Assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this Constitution".

This Court, exercising the powers vested in it under the Constitution to declare the law of the land, cannot go behind the clear words of the constitution on such a matter. We have to presume that the Constitution was actually made by the people of India by virtue of their political sovereignty which enabled them to create a legally Sovereign Democratic Republic to which they consigned or entrusted, through the Constitution, the use of sovereign power to be exercised, in its different forms, by the three different organs of Government, each acting on behalf of the whole people, so as to serve the objects stated in the Preamble. This reference to "the people of India" is much more than a legal fiction. It is an assertion in the basic legal instrument for the governance of this country of the fact of a new political power. The legal effect of the terms of the instrument is another matter.

It has been pointed out, in the Kesvananda Bharti's case (supra), that the preamble of our Constitution did not, like that of the American Constitution, "walk before the Constitution", but was adopted after the rest of the Constitution was passed so that it is really a part of the Constitution itself. It means that the Constitution is a document recording an act of entrustment and conveyance by the people of India, the political sovereign, of legal authority to act on its behalf to a "Sovereign Democratic Republic". "This Constitution" has a basic structure comprising the three organs of the Republic : the Executive, the Legislature, and the Judiciary. It is through each of these organs that the Sovereign will of the People has to operate and manifest itself and not through only one of them. Neither of these three separate organs of the Republic can take over the function assigned to the other. This is the basic structure or scheme of the system of Government of the Republic laid down in this Constitution whose identity cannot, according to the majority view in Kesvananda's case (supra), be changed even by resorting to Article 368. It necessarily follows, from such a view, that Sovereignty, as the power of taking ultimate or final decisions on broad politico-legal issues involved in any proposed changes in the law, becomes divisible. The people are not excluded from the exercise of it. They participate in all the operations of the Republic through the organs of the State. They bind themselves to exercise their individual and collective rights and powers only in the ways sanctioned and through agencies indicated by the Constitution. The Republic is controlled and directed by the Constitution to proceed towards certain destinations and for certain purposes only. The power to change even the direction and purposes is itself divided in the sense that a proposed change, if challenged, must be shown to have the sanction of all the three organs of the Republic, each applying its own methods and principles and procedure for testing the correctness or validity of the measure. This result, whether we like it or not, necessarily follows from our present Constitutional structure and scheme. If the judicial power operates here like a brake or a veto, it is not one which can be controlled by any advice or direction to the judiciary as is the case in totalitarian regimes. In our system, which is democratic, its exercise is left to the judicial conscience of each individual judge. This is also a basic and distinguishing feature of Democracy as Prof. Friedman indicated in his "Law in a Changing Society" (n. 61) quoted by me in Kesvananda Bharti's case (supra) at (p. 859).

In Kesvananda Bharti's case (supra), I had approvingly quoted the views of Prof. Ernest Barker, who, in his "Social and Political Theory", claiming to be elaborating the theory underlying the preamble to our own Constitution, pointed out that, inasmuch as the Constitution is the instrument which regulates the distribution between and exercise of sovereign power, by the three organs of the State, and it is there constantly to govern and to be referred to and to be appealed to in any and every case of doubt and difficulty, it could itself, conceptually, be regarded as the true or "ultimate" sovereign, that is to say, Sovereign as compared with "immediate" sovereignty of an organ of the Republic acting within its own sphere and at its own level.

Of course, inasmuch as the power of altering every feature of the Constitution remains elsewhere politically, the Constitution is neither the ultimate "political" sovereign nor a legally unalterable and absolute sovereign. All constitutional and "legal" sovereigns are necessarily restrained and limited sovereigns. I thought and still think that such a working theory should be acceptable to lawyers, particularly as the dignitaries of State, including Judges of superior Courts, and all the legislators, who have to take oaths prescribed by the Third Schedule of our Constitution, swear "allegiance" to the Constitution as though the document itself is a personal Ruler. This accords with our own ancient notions of the law as "The King of Kings" and the majesty of all that it stands for : The Rightfulness of the Ends as well as of the Means.

The theory outlined above would, of course, be unacceptable if sovereignty must necessarily be indivisible and located in a determinate living person or persons—a really medieval concept which is not generally employed today even to describe the titular hereditary monarchs as "sovereigns", although the dictionaries may still give the derivative meaning of "sovereign" as the human ruler. Modern theories of even political sovereignty advanced by the Pluralist School—e.g. Gierke, Duguit, Mac Iver, Laski—look upon it as

divisible and not as absolute and unlimited. Indeed, they go to the extent of practically denuding sovereignty of all its customary connotations. Duguit abandons "sovereignty" as an obsolescent doctrine and displaces it by the ruling principle of "social solidarity". Mac Iver thinks that the traditional concepts of sovereignty, dominated too long by legalistic Austinian views, needs to be discarded. His conclusion is that the State, with which doctrine of sovereignty has been bound up, is "the association of associations", merely regulates the "principles of association" or relations between individuals and associations in the interests of Society as a whole. He wrote :

"At any moment the State is more the official guardian than the maker of the law. Its chief task is to uphold the rule of law, and this implies that it is itself also the subject of law, that it is bound in the system of legal values which it maintains."

(See : R. M. Mac Iver : "The Modern State" p. 478).

Laski, while mainly accepting this rather negative approach, reminiscent of 19th century Liberalism, would accord the State a much more positive role in the interests not only of social order but also of socio-economic engineering and progress.

Marxists, who saw in the State and its laws and all institutions supporting an existing social order, the means of oppression and exploitation of the mass of the people, dreamt of the "withering away" of the State with its claims to 'Sovereignty'. But, the Russian Revolution was followed by the vastly increased powers of the State run for the benefit of the proletariat. Nevertheless, the Constitution of the U.S.S.R. guarantees to citizens not merely fundamental rights, including the right to work, but has a special department of the Procurator General to enforce due observance of legality, according to the law of the Constitution, by all the functionalities of State. Article 104 of their Constitution reads :

"104. The Supreme Court of the U.S.S.R. is the highest judicial organ. The Supreme Court of the U.S.S.R. is charged with the supervision of the judicial activities of all the judicial organs of the U.S.S.R. and of the Union Republic within the limits established by law."

(See : A. Denisov, M. Kirichenko' Soviet State-Law p. 400).

It is true that legality is enforced in the U.S.S.R. not merely through the organs of the State but the vigilance of the Communist Party which consists of selected persons keeping a watch on the policy of the State. A. Y. Vyshinski, however, explained (See : Fundamental Tasks of Soviet Law 1938) that Soviet "law can not more be reduced simply to policy than cause can be identified with effect". Strict observance of "Socialist Legality", under supremacy of the Constitution, is entrusted to the care of the State, with its three organs, the Communist Party, and the people of the U.S.S.R. (See : "The Soviet Legal System" by M/s. John N. Hazard and Isaac Shapiro). Although, Art. 15 of the Constitution of the U.S.S.R. speaks of the "Sovereignty" and Sovereign Rights" of the Union Republics, yet, it is made clear that these Republics function subject to the supremacy of the Constitution. Hence, the supremacy of the Constitution is a principle recognised by the Constitution of the U.S.S.R. also as operating above and limiting the Sovereignities of the Socialist Republics.

Gierke made a wide survey and a penetrating analysis of juristic thinking, upto the end of the 19th century, on sovereignty, derived, on the one hand, from theories of the sovereignty of the Ruler, and, on the other, from theories of popular sovereignty. He observed : (See : "Natural Law and theory of Society" by Otto Gierke translated by Ernest Barker, Vol. I, p. 153) about the approach of Kant :

"Kant sketches, indeed, an ideal Constitutional State in which popular sovereignty is nominally present; but no living 'subject' of supreme authority is anywhere really to be found in this State. The 'bearers' of the different powers (legislative, executive and judicial) are supposed to govern, but each is subject to a strict legal obligation appropriate to its own sphere, and over them all, as the sovereign proper, the abstract Law of Reason is finally enthroned".

He concluded (at p. 153) :

"The history of the theory of constitutionalism shows how a doctrine derived from the principle of popular sovereignty could produce almost the same results as the other (and apparently opposite) system of thought which started from the principle of the sovereignty of the Ruler. In the one case, just as in the other, the inviolability of sovereignty, and the unity of the personality of the State, are sacrificed, in order to attain the possibility of a constitutional law which is binding even on the Sovereign."

A theory of a "Legal Sovereignty" must necessarily demarcate the sphere of its "legal" or proper operation as opposed to mere use of power either capriciously or divorced from human reason and natural justice. Ernest Barker's statement of it, quoted by me in Kesavananda's case (supra), seemed to me to satisfy this requirement. After pointing out that Sovereignty, by which I understand one recognised by law, is limited both by its own "nature" as well as its "mode of action", it concludes : (at p. 867-868) :

"Sovereignty moves within the circle of the legal association, and only within that circle it decides upon questions of a legal order, and only upon those questions. Moving within that circle, and deciding upon those questions, sovereignty will only make legal pronouncements, and it will make them according to regular rules of legal procedure. It is not a capricious power of doing anything in any way : it is a legal power of settling finally legal questions in a legal way."

There should be no difficulty in accepting such a theory if one can conceive of an ordered system or "government of laws" as opposed to a "Government of men" placed beyond limitations of this kind. At any rate, it is implicit in the very idea of a Constitution. Our Constitution not only regulates the operations of the organs of State but symbolises the unity of the Republic and contains the inspiring hopes and aspirations and cherished goals of all the efforts of the nation. It operates not merely through the law but also on the minds and feelings of the people.

Prof. Willis, in his "Constitutional Law of the United States" advocates the doctrine of "Sovereignty of the People" for which he finds support in Abraham Lincoln's well known description of the American system as "a Government of the people, for the people, by the people" as well as in a number of pronouncements of the American Supreme Court. After considering and rejecting a whole host of theories of political philosophers and jurists, including those of Bodin, Hegel, Hooker, Hobbes, Locke, Rousseau, Fichte, Kant, Austin, Brown, Dicey, Willoughby, Duguit, and Laski, he opines : (at p. 51) :

"As Dewey says, the forces which determine the government are sovereign. The effective social forces are not the Union, nor the States, nor the oligarchy, of States, nor the organs of Government, nor the Constitution, nor natural law, but those forces which created these organisations and agents and institutions, and to whom they are all ultimately responsible."

According to him, the "Sovereignty of the People" which he advocates does not mean an anarchic license given to each individual or group to do as he or it pleases, but stands for the power of the people, "organised in Government to express and adjust their will either directly or through representatives". He explains, in the rest of his work, how the government of the U.S.A., in the broader sense of all that social control which, operating through the three departments of State, has to take place in accordance with the Constitution. This concept of a nation "organised in Government" appears to me to clearly introduce the idea of a Constitution which lays down what that organisation is and how it must operate. Although Prof. Willis rejects the view that the Constitution is "Sovereign", because it can be altered by the people, he is obliged to accept something resembling it because he sees that the "people", thought of as a mere aggregation or an amorphous mass, is too nebulous. Any satisfactory

theory of sovereignty must account for the power of the people to act in certain ways or to move in certain directions. A 'hydra-headed' multitude or mass of people will not know how to act or in which direction to move. It is its "organisation" which provides that. And, its effort to organise itself and to rationalise will produce a Constitution for it which embodies its will as organised in the form of a government. The will of the people is thus inseparable from a Constitution which enables it to be expressed and then to govern. The Constitution neither is nor can be sovereign in the sense that the people who made it cannot unmake it or change it. It only prescribes the correct mode of doing everything, including that of changing the very system of Government. It is only in this sense that it can be "Sovereign" or "supreme" and rule the life of a nation.

Another American writer, Willoughby, has put forward the view that sovereignty, as an attribute of the State, conceived of as a juristic entity apart from its governmental organs, cannot be legally limited. According to him, to limit it is to destroy it. He says (see : Willoughby on "Fundamental Concepts of Public Law"—Tagore Law Lectures, 1924, at P. 77): "There would seem to be no more value in attaching legal rights and duties to the sovereign State than there is in predicated the attributes of goodness and justice of a Divine Being who is regarded as Himself the creator, by His own unrestrained will, of all distinctions between goodness and badness." But, this seems more a metaphysical than a realistic, more amoral Hobbes-Machiavellian than a Dante-Gandhian stance. If one's concept of the Divine Being are to be introduced into law, one could refer to those also which see Divinity only in that order and that Law which seems to pervade and govern the whole physical world and the universe. Indeed, there are judicial dicta to the effect that God Himself considered Himself bound by those elementary principles of justice whose love was planted in man by Him. In *Copper Vs. Wandsworth Board of works*(1) Byles, J. observed :

"The laws of God and man both give the party an opportunity to make his defence, if he has any. I remember to have heard it observed by a very learned man, upon such an occasion, that even God himself did not pass sentence upon Adam before he was called upon to make his defence. 'Adam' (says God), 'where art thou? Has thou not eaten of the tree whereof I commanded thee that thou shouldest not eat?' And the same question was put to Eve also".

It is clear that no simple theory of sovereignty fits the complex facts of modern life. Every theory of today, ultimately, rests on concepts more refined than the physical or spiritual might of some ruler, in whom executive, legislative, and judicial powers coalesce to take away all legal distinctions between them. Even if that was ever the concept of Sovereignty anywhere, it was certainly not that of our Constitution makers and it is not ours today. Even Willoughby, dealing with Constitutionalism (Willoughby on "Nature of the State" 1928, at p. 302) says : "the value of Constitutional government is not that it places sovereignty in the hands of the people, but that it prescribes definite ways in which this sovereign power shall be exercised by the State" Hence, he too admits that the Constitution does place some limitation on exercise of sovereign power. That seems to me to be the essence of a Constitution and the rationale of its existence.

Still another American writer, Orfield, in the course of his discussion (see : "The Amending of the Federal Constitution" by Lester B. Orfield 1971), of a number of concepts of sovereignty, seems sometimes to almost consider Article 5 of the American Constitution, containing the constituent power and its procedure, to be sovereign. He concludes his discussion on the subject as follows (at p. 166) :

"Each part of the amending body is subject to law, and may be altered or abolished. The amending body itself may be altered through the amending process, and limitations on the future amending capacity may be imposed. The amending body

is an artificial sovereign deriving its being from a law in the form of Article Five. The amending groups hold office for but a short time, and may be supplanted by others in the elections in which an increasingly larger electorate participates. The theory of sovereignty, moreover, presupposes the continued orderly existence of the government. In case of a revolution the commands of the sovereign would be disregarded, and authority could no longer be ascribed to the amending body either in fact or in law. The moral, religious, physical, and other factual limitations on the supposed sovereign are so important that it may perhaps be correct to say that they are also legal limitations, as there comes a time when law and fact shade into one another. Finally, when it is remembered that throughout all history, American as well as European, there never has been a consensus as to the meaning of sovereignty, it seems that the term should be used only with the greatest circumspection."

He rejects the concept of sovereignty of the people as too vague and meaningless. And, for the reasons given above, he rejects the theory of a sovereignty of the amending body. His final conclusion seems to be that it is better to avoid altogether entanglement in the concept of sovereignty. This view, however, overlooks the fact that lawyers need a working theory of sovereignty to be able to decide legal questions before them. As between the sovereignty of the amending Article and the sovereignty of the Constitution there should be little doubt that lawyers should and would prefer the sovereignty or supremacy of the whole constitution rather than of any part of it. On the face of it, it appears more reasonable and respectable to swear allegiance to the whole Constitution, as we actually do, rather than to Article 368 or to the amending powers contained in it. If there is a part of our Constitution which deserves greater devotion than any other part of it, it is certainly the preamble to our Constitution.

The American Supreme Court, in the context of the especially American conditions and needs, after learning sometimes towards a recognition of "State Sovereignty" (See : *Ware vs. Hylton* (1); *Dred Scott vs. Sandford*) (2) and at others towards a recognition of the dual system of Government which has prevailed in America (See : e.g. *Gibbs vs. Ogden*) (3) has, on the whole apted for the "Sovereignty of the people" which unifies the nation (see : e.g. *White vs. Hart* (4) *Keith vs. Clark* (5) *National Prohibition Cases*). (6).

I cannot, while I am on the subject of American conditions, resist the temptation to quote the trenchant comments of Prof Willis on what he considers to be the dangers of the American system of government. He wrote (at p.68-69) :

"But the greatest danger in popular sovereignty does not lie in the intellectual field, but in the moral. While our intellectual level is not as high as it ought to be, our moral level is much lower than it can safely be if our form of government is to endure permanently. Millions of our citizens are already members of the criminal class. Millions of other citizens who are not yet members of the criminal class are in the economic world doing things just as bad as the things which members of the criminal class are doing. Millions of our people are concerned with their own selfish interests instead of the common good. Millions of our citizens are only too ready to ruin themselves and the rest of our people physically, intellectually, and morally by drugs and intoxicating liquors and vices. Our people do not seem to be much concerned with high ideals in any of the fields of human endeavor. Our people as a whole do not seem to be seriously concerned with social planning for the purpose of obtaining an ideal social order. They are more interested in rotation in office than they are in good government. They are more interested in winning law suits than in ideal system for the administration of justice. They are more interested in making fortunes in the practice

of medicine than in the prevention of disease. They are more interested in profits in the business world than they are in a well-planned system of business organisation adopted to the needs of our social order. They are more interested in individualism than they are in collective planning for the good of all.

The effects of the moral standards of our people are already manifest. As a result of our political and economic theories, there has developed a concentration of wealth unparalleled in human history. While on the whole the economic level is comparatively high in the United States, the difference between the wealth of the many and that of the few is startling. One-fourth of the families in the United States before the depression had incomes of less than \$ 500 and two-thirds of the families in the United States incomes of less than \$ 1,000, while 2 per cent of our population owned 65 per cent of the wealth. There were four men any one or whom had an income as large as five million of the poorest people in the United States. This concentration of wealth was probably one of the primary causes of the depression, and the depression has threatened our capitalistic system. This only shows the danger inherent in our political organisation."

If the people of an advanced country like the U.S.A., left entirely to the concept of popular sovereignty, have revealed the need for a more positive guiding or moulding role of their State so as to overcome the dangers adverted to by Prof. Willis, how much greater are the needs of a people potentially so great but actually so backward economically and educationally as ours, taken en masse, still are? Our concepts of sovereignty must accord with the needs of the people of our country. Our constitution, which has been described by G. Austin as "the cornerstone of the Nation", was devised as a means to serve those needs. It has not only the elevating preamble, deserving the allegiance of every rational human being, but, unlike the American Constitution, the whole of Part IV of our Constitution which contains "Directive Principles of State Policy" to guide the future course of State action particularly in the legislative field. It is true that provisions of Part IV are not enforceable through the Courts against the State, but they are declared as fundamental in the governance of the country and are used to interpret the Constitution and to fix its meaning. I think from this point of view also, we can say that the concept of the Supremacy of the Constitution is, undoubtedly, more suited to the needs of our country than any other so far put forwards. It not only places before us the goals towards which the nation must march but it is meant to compel our Sovereign Republic, with its three organs of Government to proceed in certain directions. It assumes that each organ of State will discharge its trust faithfully. Can we deny it that supremacy which is the symbol and proof of the level of our civilisation?

I find that the doctrine of the supremacy or sovereignty of the Constitution was adopted by a Bench of seven learned Judges of this Court in Special Reference No. 1 of 1964(1), where Gajendragadkar, C. J., speaking for six learned Judges of this Court said (at p. 446):

"In a democratic country governed by a written constitution, it is the Constitution which is supreme and sovereign. It is no doubt true that the Constitution itself can be amended by the Parliament, but that is possible because Art. 368 of the Constitution itself makes a provision in that behalf, and the amendment of the Constitution can be validly made only by following the procedure prescribed by the said article. That shows that even when the Parliament purports to amend the Constitution, it has to comply with the relevant mandate of the Constitution itself. Legislators, Ministers, and Judges all take oath of allegiance to the Constitution, for it is by the relevant provisions of the Constitution that they derive their authority and jurisdiction and it is to the provisions of the Constitution that they owe allegiance.

- (1) (1876) 3 Dall 199.
- (2) (1856) 19 How 393.
- (3) (1824) (9 Wheat p. 1)
- (4) (1871) 13 Wall. 646
- (5) (1878) 97 U.S. 454
- (6) (1920) 253 U.S. p. 350

Therefore, there can be no doubt that the sovereignty which can be claimed by the Parliament in England, cannot be claimed by any Legislature in India in the literal absolute sense."

The principle of the supremacy of the Constitution was then declared by the majority of the learned Judges of this Court in *Kesvananda's case* (supra) to be a part of the basic structure of the Constitution. The minority opinion, while not specifically dissenting from this view, was that even what was considered by the majority to be a part of "basic structure" was alterable under Article 368. But, no judge of this Court has so far held that, without even attempting to change what may be the basic structure of constitution itself, by appropriate amendments, judicial power could be exercised by Parliament under Article 368 on the assumption that it was already there.

M.C. Setalvad, a distinguished jurist of India, said (See : "The Common Law of India" Hamlyn Lectures-12th series—1960) (at p. 174-175) :

"The Constitution divides the functions of the Union into the three categories of executive, legislative and judicial functions following the pattern of the British North America Act and the Commonwealth of Australia Act. Though this division of functions is not based on the doctrine of separation of powers as in the United States yet there is a broad division of functions between the appropriate authorities so that, for example, the legislature will not be entitled to arrogate to itself the judicial function of adjudication. The Indian Constitution has not indeed recognised the doctrine of separation of powers in its absolute rigidity but the functions of the different parts or branches of the Government have been sufficiently differentiated and consequently it can very well be said that our Constitution does not contemplate assumption, by one organ or part of the State, of functions that essentially belong to another'. [See : *Raj Saheb R. J. Kapur & Ors. vs. State of Punjab* (1)]. This will no doubt strike one accustomed to the established supremacy of Parliament in England as unusual. In the course of its historical development Parliament has performed and in a way still performs judicial functions. Indeed the expression 'Court of Parliament' is not unfamiliar to England lawyers. However, a differentiation of the functions of different departments is an invariable feature of all written constitutions. The very purpose of a written constitution is the demarcation of the powers of different departments of government so that the exercise if their powers may be limited to their particular fields. In countries governed by a written constitution, as India is, the supreme authority is not Parliament, but the constitution. Contrasting it with the supremacy of Parliament, Dicey has characterised it as the supremacy of the Constitution."

A. V. Dicey, the celebrated propounder of the doctrine of the sovereignty of Parliament, had criticized Austin for frequently mixing up "legal sovereignty" and "political sovereignty" (See : *Law of the Constitution* by A. V. Dicey—10th Edn. p. 72). He contrasted the British principle of "Parliamentary Sovereignty" with what was described by him the "Supremacy of the Constitution" in America. He observed (at p. 165):

"But, if their notions were conceptions derived from English law, the great statesmen of America gave to old ideas in perfectly new expansion, and for the first time in the history of the world formed a constitution which should in strictness be 'the law of the land', and in so doing created modern federalism. For the essential characteristics of federalism—the supremacy of the constitution—the distribution of powers—the authority of the judiciary—reappear, though no doubt with modifications, in every true federal state."

He said (at p. 144):

"A federal state derives its existence from the constitution, just as a corporation derives its existence from the grant by which it is created. Hence, every power, executive, legislative, or judicial, whether it belong to the nation or to the individual States, is subordinate to and controlled by the constitution."

He wrote about the American Supreme Court (at p. 159):

"Of the nature and position of the Supreme Court itself this much alone need for our present purpose be noted. The court derives its existence from the constitution, and stands therefore on an equality with the President and with congress; the members thereof (in common with every Judge of the Federal Judiciary) hold their places during good behaviour, at salaries which cannot be diminished during a judge's tenure of office."

The theory of the Supremacy of the Constitution is thus not a new one at all. It is inherent in the very concept of "the august thing" which lies behind Parliament or king and is sought to be embodied in the Constitution of a country. The Judges, who are vested with the authority and charged with the duty to uphold the Constitution, do so as the mouthpieces of what has been called the "Real Will" of the people themselves by political philosophers such as Bosanquet. That, as I have indicated earlier, is the theory underlying the system of judicial review. Such a system may delay changes but should not, I think, speaking entirely for myself, deny or defeat the right of the people to bring about any change, whether basic or not, in the Constitution. Indeed, in *Kesvananda's case* (supra), I indicated that I thought that the most proper and appropriate function of the amending power in a Constitution, which is also a part of the Constitution, and, indeed, its most potent part—was that of making basic changes so as to avert constitutional breakdowns and revolutions if possible. However, we are precluded from acting upon such a broad view of amending power in this case as we are bound by the majority opinion in *Kesvananda's case* (supra) that implied limitations of "a basic structure", operating from even outside the language of Art. 368, as it stood before the 24th amendment, restrict its scope. These limitations must, however, be related to provisions of the Constitution.

It was not been argued before us that the introduction by the 24th amendment of the new clause (1) in article 368, containing the "constituent power", itself amplifies or increases the contents or changes the character of the power in Article 368 by making it a composite power so as to include a new type of judicial or quasi-judicial power also within its fold now. It is evident from the judgments of learned Judges of this Court in *Golaknath's case* (supra) that possible distinctions between amending power and "constituent power" and "Sovereign power" figured prominently in arguments in that case. Wanchoo, J., in his minority opinion (see : 1957 (2) SCR at p. 833), said that it was not necessary, for the purposes of that case, to decide whether the amending power was as wide as the "sovereign power" of the Constituent Assembly which had framed our Constitution. After all the discussion that had taken place then, came the 24th amendment. It does not use the words "sovereignty" or "sovereign power". I presume that the words "constituent power" were advisedly used in it so as to clarify the position and not to put in or to include anything beyond constitution making power in Art. 368.

The "constituent power" is still bound by the exclusively prescribed procedure to amend by way of addition, variation, or repeal" any provision of the Constitution. It is entirely a law making procedure elaborately set out in clause (2). In fact, Art. 368 contains so much of the fundamental law making or legislative procedure that five judges of this Court, led by Subba Rao, C.J., opined in *Golaknath's case* (supra), that it was confined to procedure and did not contain at all the substantive power to amend. Clause (1) of Art. 368, introduced by the 24th amendment, was apparently, meant to remove this objection and to do no more. It could not be intended to pour some new amalgam of executive and judicial or quasi-judicial substantive power into it also by some implication so as to do away with the very need for such an elaborate and carefully drawn up Constitution such as ours. The absence of any quasi-judicial procedure, from the comprehensively gramed procedural provisions of Art. 368,

seems extremely significant. It indicates that it was the clear intention of Constitution makers that no judicial or quasi-judicial function could be performed by Parliament whilst operating in the special Constituent field of law making. An omission to provide any quasi-judicial procedure in Article 368, which apparently, furnishes a self-contained code, means that no such power was meant to be included here at all. Proper exercise of judicial power is inseparable from appropriate procedure.

Learned Counsel supporting the 39th Amendment tried to find the meaning of "constituent power" in theoretical speculations about the meaning of "the sovereignty of the people", on the one hand, and the sovereignty of the medieval monarch, on the other, instead of looking to the legislative history of the "constituent power". I have, therefore, also referred to some of these theories and practices from ancient times so as to be able to indicate the precise significance or relevance of various concepts and decisions placed before us. These theories and practices could have only an indirect bearing on the meaning of the term "constituent power" in Article 368. They are more germane to a statement of a correct theory of sovereignty which underlies what has been called the "basic structure" of our Constitution.

There are scattered dicta in the judgments of this Court speaking of the "sovereignty of the people" which, in my opinion, can only be related to the political sovereignty of the people recognised by the preamble to our Constitution where the people are described as the Constitution makers who gave the Constitution unto themselves. This, however, does not, in my opinion, mean that the people retained unto themselves any residue of legal sovereignty. They did not prescribe, apart from dividing the exercise of sovereign power roughly between the three organs of the Republic, each with its own *modus operandi*, any other or direct method, such as Initiative or Referendum, for exercising their politically sovereign power. The view I have tried to put forward in the foregoing pages is that the people entrusted to the three organs of the Sovereign Democratic Republic they constituted the exercise of three aspects of sovereign power on behalf of the people. This seems to me to be the only way of reconciling the idea of a sovereign people, in the political sense, and the sovereignty of the Republic, represented by a legally supreme constitution, so that the "sovereign" powers of each of the three organs of the Republic had to be exercised in conformity with the mandates, both positive and negative, express and implied, of the Constitution. I would prefer to describe this concept as one of the "supremacy of the Constitution" instead of "sovereignty" of the Constitution because of the theoretical, speculative, and "emotive" clouds which have gathered around the term "sovereignty".

I have tried to point out that the term sovereignty in its origin is associated with the actual human ruler or authority wielding theoretically absolute or final powers. Political philosophers are particularly concerned with the problem of determining the location and manner of exercise of such powers if any. Jurists, however, have also occupied themselves with these problems partly because constitutional law, as Dicey once pointed out, has some overlapping territory with the political theory which underlies it. Some Constitutional lawyers, such as Ivor Jennings, have said that it is flirtation with political theory which has brought into the juristic fold a term such as 'sovereignty'. On the other hand, political theorists, such as Mc Ivor, have blamed far less justifiably, jurists like Austin for infecting political theory with legalistic authoritarian notions of sovereignty. Political theorists, in their attempts to understand and rationalize, and sometimes to justify or condemn a system are more concerned with the operations of all those socio-economic-cum-political forces which govern society. Law is, for them, one of these forces and reflects them. Lawyers have been compelled to 'flirt' (if I may employ the term used by Sir Ivor Jennings with sovereignty, only because they have to look for some final authority which determines the validity of the claims they have to deal with. Political theory, faced with the complexities of modern life, finds location of sovereignty as a power concept too elusive and difficult a task to be satisfactorily carried out. Some of them would like to banish the term to the region of purely moral philosophy where it could be reserved for such freedom of thought and will and action as even the most powerful totalitarian State, employing all the techniques based on Prof. Pavlov's theories for purposes of propaganda, cannot take away from the indi-

vidual. Others find it of use only in International Law to denote that independence of the national State and the freedom which it claims and is entitled to from outside interference. Jurists as well as practical lawyers have to be content with finding an ultimate measuring rod in a fundamental law which could test the validity of exercise of every kind of governmental power. Their quest for certainty is even more pressing and urgent than that of the political theorist. For their purposes, the supremacy of the Constitution, of which a very vital and necessary part is the constituent power, is sufficient. Of course, they have to determine the content of "constituent power" itself in the light of all relevant considerations which, as I have indicated above, may take us outside the ordinary range of Law. Nevertheless, our deviation from the orthodox canons of construction and interpretation, when faced with such a problem, must not be so wide as to rob our method of construction itself of legal propriety or give rise to the suspicion that we have ourselves clearly trespassed into the territory of law making. The lines of demarcation, though difficult to draw sometimes, are, nevertheless, there.

I do not think that it is at all helpful to refer to certain authorities of this Court which were, rather surprisingly, relied upon by learned Counsel supporting the 39th amendment to discover the nature of the "constituent power" contained in Art. 368. I will content myself by citing a passage from the last of these cases relied upon which mentions the earlier cases of this Court also on the effect of a "Firman", in *Tilkayat Shri Govindlalji Maharaj vs. The State of Rajasthan & Ors.* (1). Gajendragadkar, J., speaking for this Court said (at p. 591):

"In appreciating the effect of this Firman, it is first necessary to decide whether the Firman is a law or not. It is matter of common knowledge that at the relevant time the Maharana of Udaipur was an absolute monarch in whom vested all the legislative, judicial and executive powers of the State. In the case of an absolute Ruler like the Maharana of Udaipur, it is difficult to make any distinction between an executive order issued by him or a legislative command issued by him. Any order, issued by such a Ruler has the force of law and did govern the rights of the parties affected thereby. This position is covered by decisions of this Court and it has not been disputed before us, vide *Madhaorao Phalke v. the State of Madhya Bharat* (1960) 1 SCR 957. *Ammer-un-Nisa Begum v. Mahboob Begum* (AIR 1955 SC 352), and *Director of Endowments, Government of Hyderabad v. Akram Ali* (AIR 1956 SC 60)."

It is evident from the quotation, relied upon by the Solicitor-General, that this Court was not deciding whether the Firman was even a "law" in the sense of a general norm which had to be applied to the decision of cases. It was held that whatever be its juristic character, it had the "force of law" inasmuch as the Ruler of Udaipur was an absolute ruler, who combined in his person the legislative, the judicial, and executive authority of the State. That was the Constitution of Udaipur. The doctrine of separation of powers, in such a context, was really irrelevant. Art. 368 of our Constitution, however, is not a power acquired by our Republic by State Succession from the powers of Indian ruling princes. The legislative history behind it is entirely different.

As a matter of legislative history, we will find the source of the "Constituent power" in Section 6 & 8 of the Indian Independence Act passed by the British Parliament. Section 6 of that Act constituted a "Legislature" for each of two Dominions set up with plenary powers of legislation. The legislative powers of the Legislature of each Dominion were so enlarged by Sec. 8 that it could frame the Constitution of the Dominion concerned. This was a transfer of only a legislative power. Sec. 8 said: "for the purpose of making provision as to the Constitution of the Dominion, the legislature of the dominion was recognised as the constituent assembly of the Dominion". These powers were "plenary" in the sense in which this term is used in *Queen vs. Burah* (2) but they were confined to law making and did not extend to adjudication or decision of individual cases which is certainly distinguishable from a law making power. For

(1) 1964 (1) S.C.R. P. 561 @591.

(2) 5 I.A. 178.

purposes other than framing of the Constitution, provisions of the Government of India Act operated until they were repealed and replaced by other relevant provisions. Such was the process of a legislative succession through which institutional transformation or transition to a new but corresponding set of institutions was brought about. In the eyes of law, this was an evolutionary process through constitutional channels and not a revolutionary break with the past.

It is true that, in the exercise of the law making constituent power, brought in by Sec. 8 of the Indian Independence Act, the legislatures could be armed with judicial powers as well if appropriate laws were made to that effect. But, as no law, either constitutional or ordinary was passed, preceding 39th amendment, to repeal the Act of 1951 and then to vest a judicial power in Parliament, so as to enable it to take over and decide election disputes itself directly, I do not see how clause (4) of Art. 329A, if it contained certain provisions on the assumption that such a judicial power was already there in Parliament, could be valid as a piece of mere law making. However, counsel supporting the 39th Amendment had submitted that Article 329A(4) evidenced and constituted an exercise of some "unbroken" or a combined legislative and judicial power—a proposition for which no precedent of any such consolidated action of a constituent body was cited from any part of the world. The Firmans of former Indian ruling princes were hardly suitable or applicable precedents.

An attempt was made to convince us that what may not have been otherwise possible for a Parliament to do became possible by invoking the presumed exercise of some judicial power imported by Art. 105(3) of the Constitution which says :

"105(3) . . . the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until to be defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and Committees, at the commencement of this Constitution."

I am unable to see how what was not conferred upon Parliament itself, in its constituent capacity, could be impliedly assumed to be there by virtue of certain "powers, privileges and immunities" which belong separately to each House of Parliament. Such a claim could not be based upon what is to be found directly in Art. 368. It is sought to be derived from Art. 105. This reasoning would, obviously, conflict with the provisions of Art. 329(b) of the Constitution which indicates that an election dispute can only be resolved by an election petition before a forum provided by an ordinary enactment. Article 329(b) says :

"329(b) No election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature."

In exercise of its powers under Art. 329(b) our Parliament had enacted the Act of 1951. The procedure provided by the Act had the binding force of a constitutionally prescribed procedure. It could not be circumvented unless, with reference to cases covered by Art. 329A(4), it had been first repealed. Only after such a repeal could any other forum or procedure be legally adopted. It could not be assumed, by reason of Article 105(3) that the prescribed forum had shifted to Parliament itself and that Parliament in exercise of its constituent function had both legislated and adjudicated. This is what we were asked to accept.

The well recognised rule of construction of statutes, which must apply to the interpretation of the Constitution as well, is : "Expressio Unius Est Exclusio Alterius". From this is derived the subsidiary rule that an expressly laid down mode of doing something necessarily prohibits the doing of that thing in any other manner. The broad general principle is thus summarised in CRAWFORD's "Statutory Constructions" (1940) at p. 334 :

"Express Mention and Implied Exclusion (Expressio Unius Est Exclusio Alterius).—As a general rule, in the interpretation of statutes, the mention of one thing implies the exclusion of another thing. It therefore logically follows that if a statute enumerates the things upon which it is to operate, everything else must necessarily, and by implication, be excluded from its operation and effect. For instance, if the statute in question enumerates the matters over which a court has jurisdiction, no other matters may be included. Similarly, where a statute forbids the performance of certain things, only those things expressly mentioned are forbidden. So also, if the statute directs that certain acts shall be done in a specified manner, or by certain person, their performance in any other manner than that specified, or by any other person than one of those named, is impliedly prohibited".

It is interesting to note that in the Australian Constitution, where there is Art. 49, using language very similar to that of Art. 105(3) of our Constitution, there is also a separate but differently cast Article 47 of the Australian Constitution corresponding to Art. 329(b) of our Constitution. This article runs as follows :

"Art. 47. Until the Parliament otherwise provides, any question respecting the qualification of a senator or of a member of the House of Representatives, or respecting a vacancy in either House of the Parliament, and any question of a disputed election to either House, shall be determined by the House in which the question arises."

What is separately, expressly, and especially provided for by Art. 329(b) must necessarily fall outside the purview of Art. 105(3) on the principle stated above. Moreover, Art. 105(3) contained a temporary provision until other provision was made by Parliament in that behalf. Appropriate provisions were enacted by the Act of 1951 in compliance with Art. 329(b) because that was the proper Article for it. It would be idle to contend that these provisions suddenly lapsed or ceased to exist as soon as Parliament took up consideration of the issues and the grounds of the decision on them by the High Court to which reference is made in Art. 32A(4). Again a purported exercise of power, in enacting Article 329A(4), could only be a law making power and not any other power which could conceivably fall under Art. 105, sub. Art. (3). Nevertheless, it was suggested, by copious references to the origin of the power of the House of Commons to decide disputes relating to elections, that such a power exists in each House of our Parliament as its inherent power. Such an argument completely overlooks that, quite apart from the great difference made by providing both the forum and the procedure for deciding election disputes indicated by Art. 329(b) of our Constitution, Art. 105(3) itself could only refer to such powers as were still exercisable by the House of Commons at the time when our Constitution was passed. Long before that, the House of Commons in England had ceased to decide election disputes itself. It had transferred this power to Courts by statute and has not resumed it. In fact, the law enacted in the Representation of People Act, 1949, by the British Parliament confirmed this transfer or delegation of power. Section 107 of that Act makes it clear, like Art. 329(b) of our Constitution, that the statutory remedies are the only ones open for election disputes.

The reasons why the House of Commons itself saw the need for entrusting to a rota of High Court Judges, the jurisdiction at one time exercised by it directly to determine its election disputes, is found thus stated by BLACKSTONE, quoting Erskine May's "Parliamentary Practice and Procedure" (at p. 153—155) :

"For a considerable time after the house had obtained this jurisdiction, controverted elections were tried by committees specially nominated, composed of privy councillors and burgesses, well qualified for the duties entrusted to them. But apart 1672, it became an open committee, in which all who came had voices; and at length a hearing at the bar of the house was considered preferable to an inquiry by a committee. Here again, to use the words of Sir Erskine May, 'the partiality and injustice of the judges was soon notorious. Parties tried their

strength—the friends of rival candidates canvassed and manoeuvred, and seats corruptly gained, were as corruptly protected or voted away. Such were the results of the usurpation of judicial functions by a popular body”.

In order to remedy, if possible, these unquestionable evils, the statute 10 Geo. III c. 16, called from its author the Grenville Act, was passed in 1770, and the trial of election petitions transferred to a select Committee of thirteen members, which it was thought would be ‘a court independent of the house, though composed of its own members’. For a time there was a marked improvement in the decision of controverted elections. ‘But too soon it became evident that corruption and party spirit had not been overcome. Crowds now attended the ballot, as they had previously come to the vote.—not to secure justice, but, to aid their own political friends’. The party, whether of the petitioner or sitting member, which attended in the greatest number inevitably had the numerical majority of names drawn for the committee, and from this list, the petitioner and sitting member struck out alternately one name until the committee was reduced to thirteen : the majority of the house was necessarily a majority of the committee. The result it was not difficult to foresee. Though the members ‘were sworn to do justice between the rival candidates, yet the circumstances under which they were notoriously chosen, their own party-bias, and a lax conventional morality—favoured by the obscurity and inconsistencies of the election law, and by the conflicting decisions of incapable tribunals, led to this equivocal result : that the right was generally discovered to be on the side of the candidate who professed the same political opinions as the majority of the committee’.

‘By these means the majority of the house continued, with less directness and certainty, and perhaps with less open scandal, to nominate their own members, as they had done before the Grenville Act. And for half a century, this system with slight variations of procedure, was suffered to prevail. In 1839, however, the ballot was at length superseded by Sir Robert Peel’s Act; committees were reduced to six members, and nominated by an impartial body—the General Committee of Elections. The same principle of selection was adhered to in later Acts, with additional securities for impartiality, and the Committee was finally reduced to five members. The evil was thus greatly diminished, but still the sinister influence of party was not wholly overcome. In the nomination of election committees, one party or the other necessarily had a majority of one, and though these tribunals undoubtedly became far more able and judicial, their constitution and proceedings often exposed them to imputation of political bias.’

At length by the statute 31 & 32 Vict. c. 125, the trial of election petitions was transferred to certain of the puisne judges at Westminster, who are selected annually to form a rota for this specific purpose; and who inquire upon the spot in open court into the allegations of a petitioner, either claiming a seat, or alleging an undue return or election. The decision of the judge, who has power to reserve his judgment until he has consulted the Common Pleas division of the High Court, in which these proceedings are instituted, is final to all intents and purposes, the House of Commons being bound to ‘give the necessary directions for confirming or altering the returns or for issuing a writ for a new election, or carrying such determination into execution as circumstances may require’. And this abstract of the proceedings, at elections of knights, citizens, and burgesses, concludes our inquiries into the laws and customs more peculiarly relative to the House of Commons.”

I do not think that it is possible to contend, by resorting to some concept of a succession to the powers of the medieval “High Court of Parliament” in England, that a

judicial power also devolved upon our Parliament through the Constituent Assembly, mentioned in Sec. 8 of the Indian Independence Act of 1947. As already indicated by me, the Constituent Assembly was invested with law making and not judicial powers. Whatever judicial power may have been possessed once by English king, sitting in Parliament, constituting the highest Court of the realm in medieval England, have devolved solely on the House of Lords as the final court of appeal in England. “King in Parliament” had ceased to exercise judicial powers in any other way long before 1950. And, the House of Commons had certainly not exercised a judicial power as a successor to the one time jurisdiction of the “king in Parliament”, with the possible exception of the power to punish for its contempts. I use the qualifying word “possible” because the more correct view of it today may be that this power is also, as it is considered in America, a mere incident of legislative power, necessary for the due performance of law making functions not an “inheritance”.

In Erskine may’s Parliamentary Practice (18th Edn.) after citing the opinions of Judges, to whom a reference was made by the House of Lords in Thorpe’s case (1451), that “Lex Parliamenti” seemed something as strange and peculiar as foreign law is for Common Law Courts, it was explained (at page 197) :

“These views belonged to a time when the distinction between the judicial and legislative functions of Parliament was undrawn or only beginning to be drawn, and when the separation of the Lords from the Commons was much less complete than it was in the seventeenth century. Views about the High Court of Parliament and its powers which were becoming antiquated in the time of Coke, continued to be repeated far into the eighteenth century, although after the Restoration principles began to be laid down which were more in accord with the facts of the modern constitution. But much confusion remained which was not diminished by the use of the phrase ‘privilege of Parliament’. This only means a body of rights common to both Houses, but it suggests joint action (or enforcement) by both-Houses, as in legislation, whereas from Ferrers’ case in Henry VIII’s reign, in 1543 each House enforced its own privileges separately.

Three notions arise from this confusion of the thought :

1. That the courts, being inferior to the High Court of Parliament, cannot call in question the decision of either House on a matter of privilege.
2. That the *lex et consuetudo Parliamenti* is a separate law, and therefore unknown to the courts.
3. That a Resolution of either House declaratory of privilege is a judicial precedent binding on the courts.”

The confusions mentioned above misled some people in this country, due to the provisions of Article 194(3) of our Constitution, on the question whether a House of a Legislature had not only the power to punish a citizen for contempt but also to exercise what is really a judicial power to interpret and determine the ambit of its own jurisdiction. Gajendragadkar, C.J., speaking for this Court in Special Reference No. 1 of 1964 (*supra*), rejected this claim and explained the English law on the subject. The learned Chief Justice pointed out the incidental character of any claim to a power, privilege, or immunity which could be covered by Article 194(3), a provision identically similar to Art. 105(3). He pointed out that the only exception to this rule was the power to punish for its own contempt which, since the decision of Privy Council in *Kielley v. Carson*(1), could be thought of as a power of the House of Commons even acquired as a kind of “inheritance” from the powers once possessed by the High Court of Parliament in England. But as all judicial or quasi-judicial power is, under our Constitution, expressly made exercisable under the supervision of the judicial organs of the State, it was held that a decision about the existence of the power to punish for contempt, on the facts of a particular case, as vested in the High Court. Even Sarkar, J., in his dissenting minority opinion, said (at p. 513): “I do not think that

the House of Commons was itself ever a Court. The history of that House does not support such a contention." The result is similar to that in England where Courts do determine the orbit of a claim to a power as a Parliamentary preserve, on the facts of a case, although, once it is established that the claim is to a power confined to its proper sphere, they will not decide a mere question of its proper exercise.

Whatever view one may take of any other powers of Parliament, by reason of Art. 105(3) of the Constitution, I am unable to see how exercise of the jurisdiction to determine an election dispute, which was, in accordance with Article 329(b), already vested in the High Court by the Act of 1951 for all elections to the House of the People, could not only be taken away by a Constitutional amendment, purporting to repeal retrospectively the provisions of the Act of 1951, a piece of ordinary legislation, in their application to a particular class of cases, but at the same time, a declaration given of the rights of the parties to a judgment, without first performing a judicial function also which was not included in the "constituent" or any other law making power.

The question was not clearly raised before us whether a Constitutional amendment could partially repeal the provisions of an ordinary piece of legislation, that is to say, the Act of 1951, in so far as its application to a certain class of cases is concerned. One of the submissions of the learned Counsel for the election petitioner, however, was that, inasmuch as the Constitution lays down the norms to which ordinary legislation must conform, its proper sphere of operation is different from that of ordinary legislation which takes place under the provisions of Articles 245 to 255 of the Constitution. The argument seemed to be, that, if ordinary law making and constitution making took place in different orbits or on different planes of law making power what could be done by one method was necessary prohibited by the other. Learned Counsel relied upon a number of passages from the judgement in *Kesvananda Bharati's* case (supra), and, in particular, on what Ray, J., (as he then was said at p. 386):

"The constituent power is sui generis. The majority view in *Golak Nath* case that Article 13(2) prevails over Article 368 was on the basis that there was no distinction between constituent and legislative power and an amendment of the Constitution was law and that such law attracted the opening words of Article 245 which in its turn attracted the provisions of Article 13(2). Parliament took notice of the two conflicting views which had been taken of the unamended Article 368, took notice of the fact that the preponderating judicial opinion, namely, the decision in *Shankari Prasad* case, *Sajjan Singh* case and the minority views of five learned Judges in *Golak Nath* case were in favour of the view that Article 368 contained the power of amendment and that power was the constituent power belonging to Parliament. Wanchoo, J. rightly said in *Golak Nath* case that the power under Article 368 is a constituent power to change the fundamental law, that is to say, the Constitution and is distinct from ordinary legislative power. So long as this distinction is kept in mind Parliament will have power under Article 368 to amend the Constitution and what Parliament does under Article 358 is not ordinary law making which is subject to Article 12(2) or any other Article of the Constitution. This view of Wanchoo, J. was adopted by Parliament in the Constitution 24th Amendment Act which made explicit that under Article 368 Parliament has the constituent power to amend this Constitution".

On the other hand, learned Counsel defending the 39th Amendment relied on a number of passages from various judgments, including mine, in *Kesvananda Bharati's* case (supra), indicating that at least the minority view there was that the power of amendment contained in Art. 368 was only limited by the procedure laid down in Art. 368(2) of the Constitution and nothing else. It is true that this is what was emphasized by several learned Judges, including myself, in dealing with a case where the real question was whether

the constituent power embraced an amendment of the Constitution in such a way as to take away fundamental rights. But, neither the question whether "constituent power" itself contained judicial power within its fold nor the question whether "constituent power" operated on a plane or in a sphere which excluded altogether what could be done through ordinary legislation were under consideration in *Kesvananda's* case (supra). Some passages were cited from my judgment in that case indicating that the constituent plane of basic changes excluded the ordinary law making plane of legislation, the two belonging, so to speak, to different spheres or orbits of operation. I think I had only cited Prof. Ernest Barker's statements of his theory some of which could convey that sense. But, I had not committed myself to a view on the question whether there was a limit on the subject matter of constituent law making.

It could be and has been argued, not without force, that there are no legal limitations upon the subject matter which may be considered fit for inclusion or incorporation in a constitution. This is left to the good sense of the Constitution makers. Constitutions differ greatly in this respect (See : Wherea's "Modern Constitution" p. 49 to 51). What may be the ideal, from this point of view, is not always the actual. Reference was also made in support of this submission to Rottschaefer on "Constitutional Law" (1939 edn. p. 10). It is not necessary to pursue this question any further here.

I had said, in *Kesvananda's* case (Supra) after dealing with amending power in Article 368, on the assumption that it was an exercise of a "sovereign power" (at p. 870) :

"No doubt the judicial organ has to decide the question of the limits of a sovereign authority as well as that of other authorities in cases of dispute. But, when these authorities act within these limits, it cannot interfere".

In other words, I look upon a "sovereign power" itself, under the Constitution, as limited by the supremacy of the Constitution.

If the constitutional provisions compel us to hold, as I think they do, that no form of judicial or quasi-judicial power is included in the "constituent power", contained in Art. 368 of the Constitution, no further question need really be considered by us if we were to hold that the insertion of clause (4) in Article 329 A necessarily involved, as a condition precedent to the making of the declaration found at the end of it, the performance of a quasi-judicial or judicial function. But, I do not think that we could go so far as that Legislative action can sometimes be made to serve as an unobjectionable substitute for what could and should strictly and properly, be done judicially. But, could this be done here without legally unsurmountable difficulties ?

The Act of 1951, enacted under the provisions of article 329(b) of the Constitution, provided a procedure which could not be circumvented. This procedure was certainly applicable until 10-8-1975 when the 39th Amendment received Presidential assent. Rights of appeal under Sec. 116A of the Act having been invoked by the Original Respondent as well as by the election petitioner, and the operation of the High Court's order having been suspended, the position was, in the eyes of law, that the election dispute was continued by a proceeding, exclusively prescribed by article 329(b) for the resolution of the dispute, pending in this Court. I do not think, that despite the impression created by the terms of the declaration at the end of clause (4) of Article 329A and the opening statement of the counsel for the original respondent, we can assume that Parliament took over the case into its own hands to decide it and to incorporate the result in the form of Article 329A(4) so that this may take the place of a possible judgment of this Court. Parliament could not be deemed to be unaware of the bar created by article 329(b) and the 1951 Act.

At one stage, counsel supporting the 39th amendment said that the norms of the Act of 1951, together with the amendment of the Act in 1974 and the very recent of 1975, must have been present in the minds of members of Parliament and applied to the facts of the case. Such a contention, apart from overlooking the effect of the bar of article 329(b), which operated against the case being taken up in Parliament directly until at least 10-8-1975, just as Sec. 107 of the British Representation of People Act, 1949, operates against the adoption of such a course in England, overlooked the

legal effect of the deeming provision which, if valid, would repel such a submission of counsel supporting the 39th amendment. The deeming provision appeared to be quite sweeping. It said :

"No law made by Parliament before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, in so far as it relates to election petitions and matters connected therewith, shall apply or shall be deemed ever to have applied to or in relation to the election of any such person as is referred to in clause (1) to either House of Parliament."

The effect of such a provision is thus stated, in the oft quoted passage from *East End Dwellings Co. Ltd. v. Finsbury Borough Council*(1):

"If you are bidden to treat an imaginary state of affairs as real, you must surely, unless prohibited from doing so, also imagine as real the consequences and incidents which, if the putative state of affairs had in fact existed, must inevitably have flowed from or accompanied it The statute says that you must imagine a certain state of affairs, it does not say that having done so, you must cause or permit your imagination to boggle when it comes to the inevitable corollaries of that state of affairs."

When the effect of Article 329(b) and of the deeming provision was pointed out to learned counsel supporting the 4th clause of 329A, they took up the position that Parliament must have applied its own norms. We, however, do not know at all and cannot guess what matters were considered or the norms applied by Parliament. No speeches made in Parliament on the proposed 39th amendment were cited before us by either side. We only know that the objects & Reasons of the 39th Amendment contain the following statements to show us why Article 329A(4) was believed to be necessary :

"Article 71 of the Constitution provides that disputes arising out of the election of the President or Vice-President shall be decided by the Supreme Court. The same article provides that matters relating to their election shall be regulated by a parliamentary law. So far as the Prime Minister and the Speaker are concerned, matters relating to their election are regulated by the provisions of the Representation of the People Act, 1951. Under this Act the High Court has jurisdiction to try an election petition presented against either of them.

2. The President, the Vice President, the Prime Minister and the Speaker are holders of high offices. The President is not answerable to a court of law for anything done, while in office, in the exercise of his powers. *A fortiori* matters relating to his election should not be brought before a court of law but should be entrusted to a forum other than a court. The same reasoning applies equally to the incumbents of the office of Vice-President, Prime Minister and Speaker. It is accordingly proposed to provide that disputes relating to the election of the President and Vice-President shall be determined by a forum as may be determined by a parliamentary law. Similar provision is proposed to be made in the case of the election to either House of Parliament or, as the case may be, to the House of the People of a person holding the office of Prime Minister or the Speaker. It is further proposed to render pending proceedings in respect of such election under the existing law null and void. The Bill also provides that the parliamentary law creating a new forum for trial of election matters relating to the incumbents of the high offices above-mentioned shall not be called in question in any court."

I think that this statement of Objects & Reasons and other reasons mentioned above by me lend support to the submission, to which Mr. Kaushal confined himself whilst other counsel supporting the validity of 329A (4) offered it only as an alternative submission. This was that the whole procedure adopted and needed being a law making procedure and

nothing more there was no need to look for norms or for law applied as no judicial or quasi-judicial proceeding was involved. This approach certainly avoids the extraordinary anomalies and results involved in the proposition that "constituent power" embraces some indefinable or "unbroken" power to override laws and to withdraw and decide all disputes, particularly in election matters, in Parliament itself. As already indicated, there is no provision anywhere for the exercise of overriding judicial or quasi-judicial powers by Parliament. It is difficult to conceive a case being considered by Parliament and the ratifying legislatures as a case on trial. Parliament could not, therefore, be assumed to have withdrawn and then to have decided a particular case in a particular way by applying its own norms. It is presumed to know the law. Ostensibly, Article 329A(4) is part of an amendment of the Constitution for the purposes found in the Statement of Objects & Reasons. Only the declaration given at the end of it suggests that, in the course of it, the effect upon the case before us was considered and dealt with.

If Article 329A(4) constituted only a piece of purported law making, the next question, which deserves very serious consideration by us, is whether such purported law making is not fully covered by the undoubted law making power of Parliament to make law prospectively as well as retrospectively, inter alia, to get rid of the legal effect or result of a judgment considered erroneous by it or to retrospectively validate an election it considers valid whatever may be its reasons for reaching this conclusion. I will answer this question after considering the relevant case law cited on the subject.

A number of cases have been cited before us some on retrospective validation of taxing provisions, by removing defects, others on removal of the basis of or grounds of decisions given by Courts making their judgments ineffective, others effecting the jurisdiction of Courts in cases pending either in the original Courts or in Courts of Appeal, so as to render proceedings infructuous, and still others curing legally defective appointments or elections. It is not necessary to discuss these cases separately and individually as the principles laid down there are well recognised. I will be content with mentioning the cases cited. They were : *M. P. v. Sundaramier & Co. vs. the State of Andhra Pradesh & Anr. 2*; *Shree Vinod Kumar & Ors. vs. State of Himachal Pradesh 3*; *Jadab Singh & Ors. vs. the Himachal Pradesh Administration & An. (4)*; *Udai Ram Sharma & Ors. etc. vs. Union of India & Ors. (5)*; *Rustom, Cavasjee Co. oper vs. Union of India(6)*; *Jagannath etc. vs. Authorised Officer, Land Reforms & Ors. etc.(7)*; *Khyerbari Tea Co. Ltd. & Anr. vs. the State of Assam(8)* *M/s. Tirath Ram Rajindra Nath, Lucknow vs. State of U.P. & Anr.(9)*; *Krishna Chandra Gangopadhyaya etc. vs. the Union of India & Ors. (10)*; *Pandia Nadar & Ors. vs. The State of Tamil Nadu (11)*; *State of Orissa Vs. B. K. Bose(12)*.

Cases were also cited where rights having been altered during the pendency of proceedings, Courts had to give effect to the rights as altered, and judgments already given on the strength of the previous law had ceased to have a binding force as res-judicata between parties or had to be set aside where appeals against them were pending. These were : State

- (2) 1958 S.C.R. 1422.
- (3) 1959 Suppl (1) SCR 160.
- (4) 1960 (3) SCR 755.
- (5) 1968 (3) SCR 41.
- (6) 1970 (3) SCR 530.
- (7) 1972 (1) SCR 1055.
- (8) 1964 (5) SCR 975.
- (9) AIR 1973 SC 405.
- (10) AIR 1975 SC 1389.
- (11) 1974 (2) SCC 539.
- (12) 1962 Suppl. (2) SCR 380.

State of U. P. Vs. Raja Anand Brahma Shah (1); Shri Prithvi Cotton Mills Ltd., & Anr. Vs. Broach Borough Municipality & Ors. (2); Janapada Sabha, Chhindwara etc. Vs. The Central Provinces Syndicate Ltd. & Anr. etc. (3); Municipal Corporation of the City of Ahmadabad etc. Vs. New Shoreck Ssg. & Wvg., Co. Ltd. etc. (4); State of Tamil Nadu & Anr. Vs. M. R. Gounder & Anr. (5); Amarjit Kaur Ors. Vs. Pritam Singh Ors. (6); Qudrat Ullah Vs. Municipal Board Bareilly. (7).

Cases were also cited of the exercise of Constitutional power of amendment, by placing Acts in the 9th Schedule, under the provisions of Article 31B of the Constitution, such as Jagannath etc. etc. Vs. Authorised Officer, Land Reforms & Ors. etc., (supra) so that Acts so included in the 9th Schedule were immune from attack on the ground of alleged violation of any fundamental rights. It is not necessary to cite them as this is now a well recognised Constitutional device whose validity has been upheld by this Court in Kesavananda Bharati's case (supra).

Our attention was especially invited to passages from Udai Ram Sharma & Ors. etc. Vs. Union of India & Ors. (supra), where it was said (at page 54):

"In our opinion no useful purpose will be served by referring to the clear demarcation between the judicial powers and legislative powers in America and attempt to engraft the said principle in the working of our Constitution. This development of the law, as pointed out in A. K. Gopalan V. State (1950 S.C.R. 88 @198 was due to historical reasons"

After that, the following passage from the judgment of Das, J., in A. K. Gopalan's case was quoted (at page 55):

"the Supreme Court of the United States, under the leadership of Chief Justice Marshall, assumed the power to declare any law unconstitutional on the ground of its not being in "due process of law," It is thus that the Supreme Court established its own supremacy over the executive and the Congress. In India the position of the Judiciary is somewhere in between the Courts in England and the United States. While in the main leaving our Parliament and the State Legislatures supreme in their respective legislative fields, our Constitution has, by some of the articles, put upon the Legislature certain specified limitations

Our Constitution, unlike the English Constitution, recognises the Court's supremacy over the legislative authority, but such supremacy is a very limited one, for it is confined to the field where the legislative power is circumscribed by limitations put upon it by the Constitution itself. Within this restricted field the Court may, on a scrutiny of the law made by the Legislature, declare it void if it is found to have transgressed the constitutional limitations".

In Udai Ram Sharma's case (supra), the following passage from Willoughby's Constitution of the United States, second edition, Vol. 3, was also cited:

"If the legislature would prescribe a different rule for the future from that which the Courts enforce, it must be done by statute, and cannot be done by a mandate to the courts which leaves the law unchanged, but seeks to compel the courts to construe and apply it not according to the judicial, but according to the legislative judgment If the legislature cannot thus indirectly control the action of the courts by requiring of them a construction of the law according to its own views, it is very plain it cannot do so directly, by setting aside their judgments, compelling them to grant new trials, ordering the discharge of offenders, or directing what particular steps shall be taken in the progress of a judicial inquiry".

Willoughby's statement of law in the United States of America showing that retroactive legislation which does not impair vested or substantial rights or constitutional prohibitions, is permissible and his conclusion, relying on Cooley's "Constitutional Limitations", was also quoted :

"The legislature does, or may, prescribe the rules under which the judicial power is exercised by the courts and in doing so it may dispense with any of those formalities which are not essential to the jurisdiction of the court and whatever it may dispense with by statute anterior to the proceedings, we believe it may also dispense with by statute after the proceedings have been taken, if the court has failed to observe any of those formalities. But it would not be competent for the legislature to authorize a court to proceed and adjudicate upon the rights of parties, without giving them an opportunity to be heard before it and, for the same reason it would be incompetent for it, by retrospective legislation, to make valid any proceedings which had been had in the courts, but which were void for want of jurisdiction over the parties".

In Udai Ram Sharma's case (supra) an argument, based on some observations in B. C. Ghose Vs. King Emperor(8) was that the provisions of an amending Act amounted to passing a decree. But, this Court repelled this argument relying on principles laid down in Q. Vs. Burah (supra) :

"If what has been done is legislation, within the general scope of the affirmative words which give the power, and if it violates no express condition or restriction by which that power is limited (in which category would, of course, be included any Act of the Imperial Parliament at variance with it), it is not for any Court of Justice to inquire further, or to enlarge constructively those conditions and restrictions".

A case strongly relied upon by learned Counsel supporting the Validity of Article 329A(4) was : Kanta Kathuria Vs. Manak Chand Surana(9). In this case, decided by five Judges of this Court, there was unanimity on the conclusion that the State Legislature had power to retrospectively remove the disqualification of a candidate. The following quotation from the judgment (at page 851) shows the reasoning adopted:

"Mr. Chagla, learned Counsel for the respondent, contends that the Rajasthan State Legislature was not competent to 'declare retrospectively' under Art. 191(1) (a) of the Constitution. It seems to us that there is no force in this contention. It has been held in numerous cases by this Court that the State Legislatures and Parliament can legislate retrospectively subject to the provisions of the Constitution. Apart from the question of fundamental rights, no express restriction has been placed on the power of the Legislature of the State, and we are unable to imply, in the context, any restriction. Practice of the British Parliament does not oblige us to place any implied restriction. We notice that the British Parliament in one case validated the election: (Ers-kine May's Treatise on the Law, Privileges Proceeding & Usage of Parliament—Seventeenth (1964) Edition)

"After the general election of 1945 it was found that the persons elected for the Coatbridge Division of Lanark and the Springhoun Division of Glasgow were disqualified at the time of their election because they were members of tribunals appointed by the Minister under the Rent of Furnished Houses Control (Scotland) Act, 1943, which entitled them to a small fee in respect of attendance at a Tribunal. A Select Committee reported that the disqualification was incurred inadvertently and in accordance with their recommendation the Coatbridge and Springhoun Elections (Validation) Bill was introduced to validate the irregular elections [H. C. Deb (1945-46) 414. C. 564-69; See also H. C. 3 (1945-46; ibid, 71 (1945-46) and ibid. 92(1945-46)".

- (1) 1974 (2) SCC 539.
- (2) 1962 Suppl. (2) SCR 380.
- (3) 1967 (1) SCR 362.
- (4) 1970 (1) SCR 382 @392.
- (5) 1970 (3) SCR 745.
- (6) 1971 (1) SCR 288.
- (7) AIR 1971 SC 231.
- (8) AIR 1974 SC 2068.
- (9) AIR 1974 SC 396.

- (8) 1944 F.C.R. 295.

- (9) 1970 (2) SCR 835.

We have also noticed two earlier instances of retrospective legislation, e. g. The House of Commons (Disqualification) Act, 1813 (Halsbury Statutes of England p. 467) and Sec. 2 of the Re-election of Ministers Act, 1919 (*ibid*, p. 515).

Great stress was laid on the word 'declared' in Art. 191(1) (a), but we are unable to imply any limitation on the powers of the Legislature from this word. Declaration can be made effective as from an earlier date.

The apprehension that it may not be a healthy practice and this power might be abused in a particular case are again no grounds for limiting the powers of the State Legislature".

Another case on which a great deal of reliance was placed by Mr. A. K. Sen, was the case of the validation of the elections of John Clarke George, Esquire, and Sir Roland Jennings, Knight, (1) by the British Parliament. Here, the two gentlemen named above were "discharged, freed and indemnified from all penal consequences whatsoever incurred by them respectively by sitting or voting as Members of the Commons House of Parliament while holding their said offices". It was also declared that they "shall be deemed not to have been incapable of being elected members of the Commons House of Parliament, or to have been or to be incapable of sitting or voting as members thereof, by reason only of having at any time before the passing of this Act held office :

"(a) in the case of the said John Clarke George, as Director appointed by the Minister of Works of Scottish state Industries Limited.

(b) in the case of the said Sir Roland Jennings, as Approved Auditor appointed under the Industrial and Provident Societies Act, 1893, and the Friendly Societies Act, 1896".

Learned Counsel for the election petitioner replied that it is noticeable that no English case could be cited where any attempt was made by the British Parliament to circumvent Section 107 of the Representation of the People Act, 1949, which lays down :

"Section 107. Method of questioning Parliamentary election

(1) No parliamentary election and no return of Parliament shall be questioned except by a petition complaining of an undue election or undue return (hereinafter referred to as parliamentary election petition) presented in accordance with this Part of this Act.

(2) A petition complaining of no return shall be deemed to be a parliamentary election petition and the High Court may make such order thereon as they think expedient for compelling a return to be made or may allow the petition to be heard by an election court as provided with respect to ordinary election petitions".

He also submitted that, in none of the cases of validation, was any election dispute shown to be pending. No judgment was actually set aside in contravention of the binding constitutionally prescribed procedure to decide such disputes. He submitted that, in the case of an election to a Parliamentary seat in this country, this could be done by Parliament itself only after first repealing the application of the 1951 Act and amending Article 329(b) in such a way as to vest the power in itself to decide the dispute.

Learned Counsel, for the election petitioner, relied upon the following statement in the American jurisprudence, 2nd Edn. Vol. 46, at page 318:

"The general rule is that the legislature may not destroy, annul, set aside, vacate, reserve, modify, or impair the final judgment of a court of competent jurisdiction, so as to take away private rights which have become vested by the judgment. A statute

attempting to do so has been held unconstitutional as an attempt on the part of the legislature to exercise judicial power, and as a violation of the constitutional guaranty of due process of law. The legislature is not only prohibited from reopening cases previously decided by the courts, but is also forbidden to affect the inherent attributes of a judgment. That the statute is under the guise of an act affecting remedies does not alter the rule".

On the other hand, learned Counsel supporting the validity of Article 329A(4) relied on the following passage:

"It is worthy of notice, however, that there are cases in which judgments requiring acts to be done in the future may validly be affected by subsequent legislation making illegal that which the judgment found to be legal, or making legal that which the judgment found to be illegal".

They also pointed out:

"With respect to legislative interference with a judgment, a distinction has been made between public and private rights under which distinction a statute may be valid even though it renders ineffective a judgment concerning a public right. Even after a public right has been established by the judgment of the court, it may be annulled by subsequent legislation".

It is contended that the election of a candidate is the result of the exercise of their rights of voting by the electorate. An election results from public action and produces a "public right" inasmuch as the electorate and the public become interested parties acquiring the right to be represented by the elected candidate. The right to challenge that election is a statutory right. What the statute gives can be taken away by statute. The grounds for challenging the election could also be altered. No one, it was urged, could be heard to say that he had any vested or inherent right to challenge an election. It was contended that once the applicability of all law previous to the 39th amendment to the class dealt with by 329A(4) was removed retrospectively, the resulting legislative declaration followed automatically even if it had not been inserted. Its inclusion was a superfluity. Article 329A(4) was paid to be merely incidental and consequential to what was done by earlier clauses (1) to (3). It is difficult to see how Art. 329A(4) which relates to what was past could be incidental or consequential to what was intended to be done in future. Moreover, more serious difficulties, dealt with below, are found here than those which could arise in ordinary cases of retro-active validation.

Learned Counsel for the election petitioner relied on *Don John Francis Douglas Liyanage & Ors. vs. The Queen* (2), where the Privy Council, considered the validity of the Criminal Law Special Amendment Act of 1962, passed by the Parliament of Ceylon, which had purported to legalise *ex post facto* the detention of persons for having committed offences against the State, by widening the class of offences for which trial, without jury, by nominated judges could be ordered. The scope of the offence of waging war against the Queen was widened and new powers to deal with offenders were given and additional penalties were prescribed. It was held that, although, no fundamental principles of justice could be said to have been violated by the Act, yet the Act of 1962 and an amending Act of 1965, were invalid on the ground summarised in the head-note as follows (at p. 260):

"That the Acts, directed as they were to the trial of particular prisoners charged with particular offences on a particular occasion, involved a usurpation and infringement by the legislature of judicial powers inconsistent with the written Constitution of Ceylon, which, while not in terms vesting judicial functions in the judiciary, manifested an intention to secure in the judiciary a freedom from political, legislative and executive control and, in effect, left untouched the judicial system established by the Character of Justice, 1833. The silence of the Constitution as to the vest-

ing of judicial power was consistent with its remaining where it was and inconsistent with any intention that it should pass to or be shared by the executive or the legislature. The Acts were accordingly ultra vires and void, and the convictions could not stand".

If the constituent bodies, taken separately or together, could be legally sovereign, in the same way as the British Parliament is, the Constitutional validity of no amendment could be called in question before us. But, as it is well established that it is the Constitution and not the constituent power which is supreme here, in the sense that the Constitutionality of the Constitution cannot be called in question before us, but the exercise of the constituent power can be, we have to judge the validity of exercise of constituent power by testing it on the anvil of constitutional provisions. According to the majority view in *Kesavananda's case* (supra), we can find the test Primarily in the Preamble to our Constitution.

A Point emphasized by J.C.Gray (See: "Nature & Sources of Law" P.96) is that unless and until Courts have declared and recognised a law as enforceable it is not law at all. Keisen (See: "General Theory of Law & State" p. 151) finds Gray's views to be extreme. Courts, however, have to set the legality of laws, whether purporting to be ordinary or constitutional, by the norms laid down in the Constitution. This follows from the Supremacy of the Constitution. I mention this here in answer to one of the questions set out much earlier: Does the "basic structure" of the Constitution test only the validity of a constitutional amendment or also ordinary laws? I think it does both because ordinary law making itself can not go beyond the range of constituent power. At this stage, we are only concerned with a purported constitutional amendment. According to the majority view in *Kesavananda Bharati's case*, the preamble furnishes the yardstick to be applied even to constitutional amendments.

Learned Counsel for the election petitioner has strongly relied upon the very first purpose of the Constitution stated in the preamble to be Justice (with a capital "J") which includes "political justice". His contention is that, if a majority party is to virtually act as the judge in an election dispute between itself and minority parties whose cause, according to the learned Counsel, the election petitioner represents, it would be a plain denial of "political" justice. I do not know why this question should be termed as one of "political justice" and not of plain and simple elementary justice except that the contending parties represent political causes which are, for purposes of plain and simple justice with which we are really concerned, irrelevant. We are not asked to judge a political issue directly as to who should be the Prime Minister of this country. We are only asked to hold that even a constitutional amendment, when made by Members of a majority party to enforce their own views of what is politically and legally right, as against the views, on these matters, of minority parties, when the representatives of the minority parties allege a misuse of constitutional powers by a deviation from a constitutionally laid down purpose, such a legal question of fact and law should be capable of trial and decision by an independent authority on such exclusively legal grounds as may be opened. That is the simple principle on which learned Counsel for the election petitioner rests his case, irrespective of the rights and wrongs of the merits of his client's case—and, I have found it impossible to decide it, as I have decided it against the election petitioner, without going into facts and merits of the appeals—for the submission that our jurisdiction to try this case on merits cannot be taken away without injury to the basic postulates of the rule of law and of justice within a politically democratic constitutional structure. I do not think that we can, consistently with the objects of justice, including what is claimed as "political justice", which are parts of what is called the "basic structure" deny the right to claim an adjudication from this Court on exclusively legal issues (not political ones) between the majority party and the minority groups of parties, however large and legally right the majority party may be and however small and legally wrong the minority groups or parties may be. Can the legal rights and wrongs, on such an issue, be resolved, in accordance with the objects of the Preamble, anywhere other than this Court now? I think that it would be a very dangerous precedent to lay down that they can be and need be determined nowhere at all. That is what acceptance of total

validity of Article 329A(4) may mean if it bars our jurisdiction to hear and decide such a case on merits.

What was sought to be done by the Constitutional amendment may be politically very justifiable. The question before us, however, is whether it is also legally justifiable. Here, we are back again in the realm of basic principles of justice. We are not to decide a political question here at all. But, we have to decide legal questions even if they have, as many legal issues have, political consequences and repercussions which we can not entirely ignore. Perhaps we have to go back to *Marbury vs. Madison* (supra), where Chief Justice Marshall said (at p. 162):

"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection. In Great Britain the king himself is used in the respect from of a petition, and he never fails to comply with the judgment of his court. In the 3rd vol. of his Commentaries, p. 23, Blackstone states two cases in which a remedy is afforded by mere operation of law.

'In all other cases', he says, it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit, or action at law, Whenever that right is invaded".

It is true that the right which the election petitioner claims is a purely statutory right. The right to come to this Court under Section 116A of the Act of 1951 is also a creature of statute and can be taken away retrospectively. But, where this taking away also involves the taking away of the right to be heard by this Court on a grievance, whether justifiable or not, that a minority party is being oppressed by the majority, can we deny the spokesman of the minority even a right to be heard on merits? Such an issue is constitutional. Confession of our inability to resolve it judicially would be, according to learned Counsel for the election petitioner, a denial of "political justice". This issue is extrinsic so far as the Act of 1951 is concerned. The election petition has complained of the taking away of his right to be heard with a view to depriving him of "political" justice with an ulterior object and political motivation. I have dealt with the merits of the case to show that, from the legal aspect, his grievance, on the merits of his case, is his conceived. He has no vested right under a palpably erroneous judgment which was the subject matter of the two appeals to this Court. Nevertheless, this could only be demonstrated after we had gone into the merits of the case and rendered our decision on the issues in accordance with the law in the 1951 Act. Thus, what is involved is the right of the election petitioner to be heard on merits and the power of this Court to look into the merits of the case in order to determine whether the election-petitioner's grievances could have any real legal foundations. I think that this is a basic consideration which must compel us, in the light of the principles laid down by us in *Kesavananda Bharati's case* (supra), to hold that we must look into his grievances and determine, for ourselves, where his case stood on the law before it was amended. Our jurisdiction, at any rate, can not be barred without creating the impression that what the election petitioner calls "political justice"—is being denied to him.

The question which arises now is: Was clause (4) of Art. 329A, read with clauses (5) and (6), really meant to bar our jurisdiction to consider the grievances of the petitioner and to decide them, or, can they be so interpreted as to preserve this court's jurisdiction?

Broadly, speaking, the election petitioner has two heads of grievance: firstly, that the election of the original respondent is vitiated by corrupt practices which, as I have indicated, after considering the case set up by him and the evidence tendered and the law applicable, could not possibly succeed even under the law as it stood before the amendment and, secondly, that our very jurisdiction to go into these grievances is sought to be debarrd by clauses (4), (5) and (6) of Article 329A with the political object of stifling opposition, and, therefore, according to the election petitioner, we must declare clause (4) and the connected clauses (5) and (6) of Article 329A to be invalid. Although the 1st set of complaints is based upon the provisions of

the Act of 1951, the second set arises because of impunged clauses of the 39th Amendment. For the second set of grievances, the action complained of is that of the State itself acting through its law making organs. It is because of this interest of the Union of India acting in its law making capacity, that we have heard the Attorney General and the Solicitor General. Although, the second set of grounds may arise as a result of the 1st set, yet, they are different. Our jurisdiction to consider these different grounds of complaint does not ordinarily arise at all in the exercise of our jurisdiction under Section 116A of the Act of 1951. It is for this reason, that the election petitioner had filed a separate Writ Petition in the High Court to challenge an amendment of the Act. But, we decided to hear arguments on constitutional issues also without a separate proceeding. The causes of action arising out of the amendments have become attached, if I may so put it, to the appeals under Section 116A of the Act because we could not, under the law, hear the appeals unless these obstacles, if any, were overcome.

Indeed, so far as the original respondent is concerned, the effect of clauses (4), (5) and (6) of Article 329A would be, if we were to hold that they bar our jurisdiction to go into the merits of the appeals under Section 116A of the Act, that her grievance against the judgment under appeal also could not be gone into or dealt with. In other words, the original respondent would also be denied an opportunity of asserting her rights under the 1951 Act and of vindicating her stand in the case by showing that there was really no sustainable ground for the findings given by the learned Judge of the High Court against her. We would, therefore, be prevented from doing justice to her case as well as if we were to accept the contention that the 39th Amendment bars our jurisdiction to hear the appeals under Section 116A of the Act on merits. The total effect would be that justice would appear to be defeated even if, in fact, it is not so as a result of the alleged bar to our jurisdiction if it were held to be there. Could it be the intention of Parliament that Justice should appear to be defeated? I think not.

It was also contended before us that we should not go at all into the merits of the case before us as it was a political matter. In other words, the "political question" doctrine was invoked in aid of the submission that we should voluntarily abstain from deciding a question of a "political nature". It is true that the "political question doctrine" has been sometimes invoked, in the past by the American Supreme Court to abstain from taking a decision. In answer to this argument, learned Counsel for the election petitioner cited before us from comments on the Constitution of the United States of America (Analysis and Interpretation by the Congressional Research Service—1973 Edn. p. 665) that the "political question" doctrine is the result of a "prudential" attitude Courts adopt when they find that their judgments may not be enforced. It was described there as "a way of avoiding a principled decision damaging to the Court or an expedient decision damaging to the principle". It was also pointed out there that this doctrine has been rationalized and considerably narrowed down by the American Supreme Court in *Baker Vs. Carr*, (1) where it was explained that "nonjusticiability of a political question is primarily function of separation of powers". It really means that there are matters about which declarations made or certificates granted by the executive Wing of Government would be treated as conclusive so that Courts will not go behind them. It was also said there:

"Deciding whether a matter has in any measure been committed by the Constitution to another branch of government, or whether the action of that branch exceeds whatever authority has been committed, is itself a delicate exercise in constitutional interpretation, and is a responsibility of this Court as ultimate interpreter of the Constitution".

Learned Counsel for the election petitioner also relied upon *H. H. Maharajadhiraja Madhav Rao Jiwaji Rao Scindia Bahadur & Ors. Vs. Union of India* (2), where this Court said: (at p. 75):

(1) 369 U.S. 186.

(2) 1971(3) SCR 9.

"The functions of the State are classified as legislative, judicial and executive: the executive function is the residue which does not fall within the other two functions. Constitutional mechanism in a democratic policy does not contemplate existence of any function which may *qua* the citizens be designated as political and orders made in exercise whereof are not liable to be tested for their validity before the lawfully constituted courts: *Kai Sahib Rani Jawaya Kapur and Others Vs State of Punjab* [1955 (2) SCR 225]; *Jayantilal Amritlal Shodhan Vs. F. N. Rana* [1965 (3) S.C.R. 201]; and *Halsbury's Laws of England* 3rd Edn. Vol. 7, Art. 409, at p. 192".

Learned Solicitor General also contended that we were passing through critical times when a state of Emergency had been declared. He submitted that the decision of the constituent authorities, in excluding a particular case from the jurisdiction of this Court, should be treated as an exercise of a very special power under very unusual conditions in which internal and external dangers with which the country was surrounded, required that the position of the Prime Minister should be declared unequivocally unassailable so that the need for further examination of the question of her election to Parliament may not be raised anywhere else. This seems to be another form in which "political question" argument could be and was addressed to us. Undoubtedly, clause (4) of Article 329A could be said to have a political objective, in the context in which it was introduced, and we could perhaps take judicial notice of this context. Even if it was possible to go beyond the statement of objects and reasons and to hold that clause (4) of Article 329A is there essentially for demonstrating the strong position of the Government and of the Prime Minister of this country to all inside and outside the country so as to inspire the necessary confidence in and give the necessary political and legal strength to the Government to enable it to go forward boldly to deal with internal economic and law order problems and international questions, yet, I fail to see why this could make it necessary to exclude the jurisdiction of this Court so as to prevent it from considering a case which would have been over much sooner if we had not been confronted with difficulties, at the very outset, in examining the merits of the case. Speaking for myself, I fail to see what danger to the country could arise or how national interests could be jeopardised by a consideration and a decision by this Court of such a good case as I find that the Prime Minister of this country had on facts and law. Nevertheless, I am prepared to concede that there may be and was some very useful political objective to be served by demonstrating the strength and ability of the Government to face the difficulties with which it had been confronted. If that be so, we can certainly say that clause (4) of Article 329A had a political objective and utility which has been served. And, if that was the real object behind its enactment, it could not be really to injure the interests of minority political parties or groups which is what is contended for on behalf of the election petitioner. I think that the context and the political considerations placed before us could be relevant in understanding the real meaning of clause (4) of Article 329A of the Constitution.

It is a well established canon of interpretation that, out of two possible interpretations of a provision, one which prevents it from becoming unconstitutional should be preferred if this is possible *ut res magis valeat quam pereat*. It is true that the deeming provision seems to stand in the way of our examination of the merits of the case even though there is no direct provision taking away our jurisdiction to consider the merits of the appeals before us. It has, however, been repeatedly laid down that a deeming provision introducing a legal fiction must be confined to the context of it and cannot be given a larger effect: (See *Radha Kishan Vs. Durga Prasad*-AIR 1940 P. C. 167). In *Bengal Immunity Co. Ltd. Vs. the state of Bihar and Anr.* (3). It was held by this Court that a legal fiction is created for some definite purposes and should not be extended beyond its legitimate field determined by its context. The same view has been expressed by this Court in other cases *C.I.T. Bombay Vs. James Anderson* (4) *C.I.T. Madras Vs. Express Newspapers Ltd. Madras* (5) *Shri Jagadguru Kari Basava Rajendraswami of Gavimutt Vs. Commissioner of Hindu Religions Charitable Endowments, Hyderabad.* (6)

(3) 1955 (2) SCR 603.

(4) 1964 (5) SCR 590.

(5) 1964 (8) SCR 189.

(6) 1964 (8) SCR 252.

In Ex-Parte Walton, In Re : Levy, (5) James LJ said :

"When a statute enacts that something shall be deemed to have been done, which in fact and in truth was not done, then the court is entitled and bound to ascertain for what purposes and between what persons the statutory fiction is to be restored to?"

In other words, we have to examine the context and the purpose of the legal fiction and confine its effects to these

If the purpose of the clause (4) of Article 329A was purely to meet the political needs of the country and was only partly revealed by the policy underlying the statement of reasons and objects it seems possible to contend that it was not intended at all to oust the jurisdiction of the Court. Hence, Article 329A Clause (5) will not, so understood, bar the jurisdiction of the Court to hear and decide the appeals when it says that the appeal shall be disposed of in conformity with the provision of clause (4).

In the circumstances of this case, it would seem that conformity with the declaration embodied in Article 329A clause (4) is possible, if we confine the meaning and effect of the deeming provision to what was needed only for the declaration to be given at the end of clause (4) by the constituent bodies, with a political object, and not for the purposes of affecting our jurisdiction which determines legal effects of what is sought to be done. Of course, the more natural interpretation would appear to be that the deeming provision should apply for "all purposes" including those for consideration of the appeals before us. But, if it is not possible to decide those appeals without giving a different meaning to the deeming provision, on which the final declaration in clause (4) rests, and clause (5) leaves us free to decide how we could conform with clause (4), need our jurisdiction to decide factual and legal issues judicially be said to be affected? If the fiction was only a logical step in the process of the declaration to be made by constituent authorities but not of ours, it would only attach to the declaration contained at the end of clause (4). Perhaps it could be argued, by applying the doctrine of "reading down", that clause (4) was not intended to oust the jurisdiction of this Court altogether to try the case. No such attempts at reading it down have, however, been made by learned Counsel supporting the validity of Article 329A (4). It is not unlikely that Article 329A (4) was based on the misapprehension that the High Court's judgment may be legally correct or that there was a possibility, even for a case so ill founded in fact and in law as the one put forward on behalf of the election-petitioner, to succeed in this Court if it had succeeded in the High Court. We cannot indulge in guess work on these matters. In any case, no useful purpose will be served now by our declaring anything beyond that clause 4 of Art. 329A does not so operate as to bar the jurisdiction of this Court to go into and determine the merits of the appeals before us by reading down the Act of 1951. Even if we were to consider matters of expediency and national interest, as we should in appropriate cases, it does not appear to me to be either expedient or in conformity with national interests to leave the matter in doubt whether the judgment under appeal before us could or could not legally stand on its own legs under the unamended law.

For the reasons given above, I declare that Article 329A (4) does not stand in the way of the consideration of the appeals before us on merits under the Act of 1951 or the validity of the amendments of the Act. On a consideration of the merits of Appeals Nos. 887 and 909 of 1975, I have come to the conclusion, as indicated above, that Appeal No. 887 must be allowed and the cross appeal No. 909 of 1975 must fail. The result is that the judgment orders and passed by the learned Judge of the Allahabad High Court on the election case are set aside, and, in such conformity with Article 329A clause (4) as is possible for us, I also declare the judgment and the findings contained in it to be void and of no effect whatsoever. It is not necessary for me to add that the order of the learned Judge, holding the original respondent disqualified from occupying her office, disappears *inso facto* and it neither has nor will be deemed over to

have had any legal effect whatsoever. In the circumstances of the case, I think the parties should bear their own costs throughout.

Sd/-

M. H. BEG, J.

New Delhi, 7th November, 1975

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 887 OF 1975

Smt. Indira Nehru Gandhi Appellant

Versus

Shri Raj Narain & Another Respondent

AND

Civil Appeal No. 909 of 1975

Shri Raj Narain Appellant

Versus

Smt. Indira Nehru Gandhi & Another Respondent

JUDGMENT

CHANDRACHUD, J. The Election Petition out of which these appeals arise involved the question of the validity of the election of Smt. Indira Nehru Gandhi to the Lok Sabha. In the General Parliamentary Elections of 1971, she was declared as the successful candidate from the Rae Bareilly constituency in Uttar Pradesh. She won the election by a margin of 1,11,810 votes over her nearest rival, Shri Raj Narain.

Shri Raj Narain, who was sponsored by the Samyukta Socialist Party, filed an election petition under section 80 read with section 100 of the Representation of the People Act, 1951, to challenge the election of the successful candidate. Originally, the challenge was founded on numerous grounds but during the trial of the petition in the High Court of Allahabad the challenge was limited to seven grounds.

A learned Single Judge of the High Court, M. L. Sinha J., upheld the challenge on two grounds, rejecting the other grounds of challenge. That explains the cross-appeals.

The High Court held that the successful candidate was guilty of having committed two corrupt practices within the meaning of section 123(7) of the Representation of the People Act: Firstly, she obtained the assistance of the Gazetted Officers of the Government of Uttar Pradesh for furthering her election prospects; and secondly, she obtained the assistance of Shri Yashpal Kapoor, a gazetted officer in the Government of India holding the post of Officer on Special Duty in the Prime Minister's Secretariat, for furthering the same purpose. Acting under section 8-A of the Act the learned Judge declared that the successful candidate would stand disqualified for a period of six years from June 12, 1975 being the date of the judgment. Aggrieved by this part of the judgment, Smt. Indira Gandhi has filed appeal No. 887 of 1975.

The other five grounds of challenge were : (1) The successful candidate procured the assistance of the Armed Forces for arranging her flights by Air Force aeroplanes and helicopters; (2) Her election agent, Shri Yashpal Kapoor, and others distributed clothes and liquor to induce the voters to vote for her; (3) She and her election agent made appeals to the religious symbol of cow and calf; (4) Her election agent and others procured vehicles for the free conveyance of voters to the polling stations; and (5) She and her election agent incurred or authorized expenditure in violation of section 77(3) of the Act read with Rule 90 of the Conduct of Election Rules, 1961. These grounds having been rejected by the High Court, the defeated candidate has filed appeal No. 909 of 1975. The first two grounds were given up in appeal for the reason that the evidence on record was not likely to be accepted by this Court in Proof thereof.

The defeated candidate did not lead evidence in the High Court to show that any part of the expenditure in excess of the permissible limit of Rs. 35,000 was incurred by the successful candidate or her election agent. His contention was that the expenditure incurred for her election by the political party which had sponsored her candidature, the Congress (R), was liable to be included in the expenses incurred or authorized by her. This contention was founded on a decision rendered by a Division Bench of this Court on October 3, 1974 in *Kanwar Lal Gupta Vs. Amarnath Chawla*(1).

On October 19, 1974 the President of India promulgated 'The Representation of the People (Amendment) Ordinance, 1974' providing that "Notwithstanding any judgment, order or decision of any court to the contrary, any expenditure incurred or authorized in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual (other than the candidate or his election agent) shall not be deemed to be, and shall not ever be deemed to have been, expenditure in connection with the election incurred or authorized by the candidate or by his election agent. . . .". This provision was added by the Ordinance by way of an Explanation to section 77(1) of the Representation of the People Act, 1951. It expressly excepted from its operation decisions of the Supreme Court voiding an election before the commencement of the Ordinance. Shri Amarnath Chawla fell outside the Ordinance. It also excepted similar decisions of High Courts provided that they had become final or unappealable. The Ordinance was replaced by the Representation of the People (Amendment) Act, 58 of 1974, which was brought into force retrospectively from October 19, 1974.

The defeated candidate filed Writ Petition 3761 of 1975 in the High Court to challenge the constitutional validity of the Ordinance and the Act of 1974. In view of his finding that the total amount of expenditure incurred or authorized by the successful candidate or her election agent, together with the amount proved to have been incurred by the political Party or the State Government in connection with her election, did not exceed the prescribed limit, the learned Judge thought it unnecessary to inquire into the constitutionality of the Ordinance and the Act of 1974. He, therefore, dismissed the Writ Petition. An appeal was filed to a Division Bench of the High Court from the aforesaid order but, by consent of parties, this Court decided to hear the points involved in the Writ Petition and in the appeal therefrom.

During the pendency of these cross-appeals, the Parliament passed the Election Laws (Amendment) Act, 40 of 1975, which came into force on August 6, 1975. This Act, if valid, virtually seals the controversy in the appeal filed in this Court by the successful candidate from the decision of the Allahabad High Court. It also takes care of a considerable gamut of the appeal filed in this court by the defeated candidate. It substitutes a new section 8-A in the Representation of the People Act, 1951 empowering the President to decide whether a person found guilty of corrupt practice shall be disqualified and if so, for what period. By section 6, it amends section 77 of the Act of 1951 making pre-nomination expenses a matter of irrelevant consideration. It declares that the expenditure incurred by a Government servant in the discharge of his official duty in connection with any arrangements or facilities and such arrangements or facilities shall not be deemed to be expenditure or assistance incurred or rendered for the furtherance of the election prospects of the candidate concerned. By section 7, it re-defines a "candidate" to mean a person who has been or claims to have been duly nominated as a candidate at any election. By section 8, it provides that no symbol allotted to a candidate shall be deemed to be a religious or a national symbol. And it says, to the extent relevant, that the publication in the Official Gazette of the resignation of a Government servant shall be conclusive proof of the fact of resignation. If the effective date of the resignation is stated in the publication, it shall also be conclusive proof of the fact that the Government servant ceased to be in service with effect from the particular date. The amendments made by sections 6, 7 and 8 of the Amending Act have retrospective effect and expressly govern election appeals pending in this Court, among other proceedings.

The amendments brought about by Act 58 of 1974 and Act 40 of 1975 have an incisive impact on the cross-appeals but their edge was blunted by the Constitution (Thirty-ninth Amendment) Act which came into force on August 10, 1975. The 39th Amendment introduces two new articles in the Constitution: articles 71 and 329A; and it puts in the Ninth Schedule three Acts: (i) The Representation of the People Act, 43 of 1951; (ii) The Representation of the People (Amendment) Act, 58 of 1974; and (iii) The Election Laws (Amendment) Act, 40 of 1975. The new Article 71 which replaces its precursor empowers the Parliament to pass laws regulating the elections of the President and the Vice-President, including the making of a provision for the decision of disputes relating to their election. Article 329A has six clauses out of which the first three deal with the future election to the Parliament of persons holding the office of Prime Minister or Speaker at the time of the election or who are appointed to these offices after their election to the Parliament. These clauses aim at depriving the courts of their jurisdiction to try election petitions in which the election of the Prime Minister or the Speaker to the Parliament is challenged. Clause 4 frees the disputed election of the Prime Minister and the Speaker to the Parliament from the restraints of all election laws. It declares such election as valid notwithstanding any judgment and clause 5 ordains that any appeal or cross appeal pending before the Supreme Court shall be disposed of on the assumption that the judgment under appeal is void, that the findings contained in the judgment never had any existence in the eye of law and that the election declared void by the judgment shall continue to be valid in all respects. Clause 6 provides that article 329A shall have precedence over the rest of the Constitution.

At first blush, what remains to be decided judicially in face of the 39th Amendment? As an exercise of Constituent power, the 39th Amendment must reign supreme. The political sovereign having reposed its trust in the legal sovereign the doings of the Constituent Assembly have an aura of sanctity that legal ingenuity may be powerless to penetrate. But that is an unformed approach to a field strewn with various shades of legal landmarks.

While repelling the challenge to the First Constitutional Amendment which was passed in June 1951, this Court held in *Sri Sankari Prasad Singh Deo Vs. Union of India and State of Bihar*, (2) that the power of amendment conferred by article 368 was not subject to any limitations, express or implied, and that fundamental rights were within the sweep of the amending power. The Seventeenth Constitutional Amendment passed in June 1964 was similarly upheld by a majority decision of this Court in *Sajjan Singh vs. State of Rajasthan*, (3) which took the view that the fundamental rights were not intended by the framers of the Constitution to be finally and immutably settled when the Constitution was passed. But the Seventeenth Amendment came to be challenged once again in *I.C. Golak Nath & Others vs. State of Punjab and Another*(4). By a majority of 6:5, this Court held that the Seventeenth Amendment was ultra vires the Parliament's power to amend the Constitution. Five out of the six learned Judges held that article 368 did not confer any power to amend but merely prescribed the procedure for a amendment. The sixth learned Judge held that article 368 did contain the power of amendment but that the Parliament must amend Article 368 to convoke another Constituent Assembly, pass a law under item 97 of List I of Schedule 7 to call a Constituent Assembly and then that Assembly may be able to abridge or take away the Fundamental Rights if desired.

The decision in *Golak Nath's* case raised a debate of national dimensions as the Parliament's power to amend the Constitution so as to abridge or take away the fundamental rights virtually became a dead letter. Under the majority judgment, the Constituent Assembly alone, called by virtue of a law to be passed under Entry 97 of List I, could abridge or take away the fundamental rights. The Parliament, in a resolve to reaffirm its powers, passed the Constitution (Twenty-fourth Amendment) Act on November 5,

(2) 1952, 3 SCR 89.

(3) 1065, 1 SCR 933.

(4) 1967, 2 SCR 622.

1971 and the Constitution (Twenty-fifth Amendment) Act on April 20, 1972. By the 24th Amendment, the Parliament amended articles 13 and 368 of the Constitution so as to provide that nothing contained in article 13 shall apply to any amendment of the Constitution made under article 368 and that notwithstanding anything in the Constitution, Parliament may, in the exercise of its constituent power, amend by way of addition, variation or repeal any provision of the Constitution in accordance with the procedure laid down in article 368. As an instance of the amendatory power re-acquired under the 24th Amendment, Parliament, by the 25th Amendment, substituted a new clause (2) in article 31 and introduced a new article 31-C in the Constitution. By the 29th Amendment, Parliament placed the Kerala Law Reforms (Amendment) Acts of 1969 and 1971 in the Ninth Schedule.

A Bench of thirteen Judges of this Court sat to consider the constitutionality of the 24th, 25th and 29th Amendments. The eleven judgments delivered in that case are reported in *Keshavanada Bharati Vs State of Kerala* (1) commonly known as the Fundamental Rights case. Golak Nath's case stood overruled as a result of the decision in this case. But six learned Judges out of the thirteen (Sikri C. J. and Shelat, Grover, Hegde, Reddy and Mukherjee JJ.) accepted the contention of the petitioners that though article 368 conferred the power to amend the Constitution, there were inherent or implied limitations on the power of amendment and therefore, article 368 did not confer power to amend the Constitution so as to damage or destroy the essential elements or basic features of the Constitution. Fundamental Rights, being a part of the essential features of the Constitution, could not therefore be abrogated or emasculated in the exercise of the power conferred by article 368, though a reasonable abridgement of those rights could be effected in the public interest. Brother Khanna J. found it difficult, in face of the clear words of article 368, to exclude from their operation the articles relating to fundamental rights in Part III of the Constitution. But proceeding to consider "the scope of the power of amendment under article 368", the learned Judge held that the power to amend did not include the power to abrogate the Constitution, that the words "amendment" postulates that the old Constitution must survive without loss of identity, that the old Constitution must accordingly be retained though in the amended form, and therefore the power of amendment does not include the power to destroy or abrogate the basic structure or framework of the Constitution. The remaining six Judges took the view that there were no limitations of any kind on the power of amendment, though three of them seemed willing to foresee the limitation that the entire Constitution could not be abrogated, leaving behind a State without a Constitution. Some scholars have clapped and some scholars have scoffed at the decision in the Fundamental Rights case. These criticisms, I cannot deny, cause a flutter in the ivory tower. But by article 141 of the Constitution, the law declared by the Supreme Court is binding on all courts within the territory of India. The law declared by the majority of 7 : 6 in the Fundamental Rights case must therefore be accepted by us, dutifully and without reserve, as good law. The history of law courts abounds with memorable decisions based on a thin majority.

These appeals have therefore to be decided in the light of the principle emerging from the majority decision in the Fundamental Rights case that article 368 does not confer power on the Parliament to alter the basic structure of framework of the Constitution. Arguments of the learned counsel appearing on both sides have taken many forms and shapes but they ultimately converge on the central theme of basic structure.

I would like first to deal with the constitutional validity of the 39th Amendment. On that question, the arguments of Mr. Shanti Bhushan, who appears for Shri Raj Narain, may be summed up thus : (i) The 39th Amendment affects the basic structure or framework or the institutional pattern adopted by the Constitution and is therefore beyond the amending power conferred by article 368. It destroys the identity of the Constitution. (ii) Separation of powers is a basic feature of the Constitution and therefore every dispute involving the adjudication of legal rights must be left to the decision of the judiciary. Clause (4) of article 329A introduced by the 39th Amendment takes away that jurisdiction and is therefore void. (iii) The function of the legislature is to legislate and not

decide private disputes. In the instant case the Constituent Assembly has transgressed its constituent function by adjudicating upon a private dispute. (iv) Democracy is an essential feature of the Constitution. Free and fair elections are indispensable for the successful working of any democratic government. By providing that the election of the Prime Minister shall not be to challenge and shall continue to be valid despite the judgment of the Allahabad High Court holding that the election is vitiated by corrupt practices, the Constituent Assembly has destroyed the very core of democracy. (v) Equality is an essential feature of a Republican Constitution. The 39th Amendment puts the Prime Minister and the Speaker above the law and beyond the reach of the equality principle. The classification made by the 39th Amendment bears no nexus with the sort of immunity granted to two high personages, from the operation of election laws. (vi) Rule of law and judicial review are also basic features of the Constitution. To free certain persons from the constraints of law and to place their conduct beyond judicial review is to destroy the identity of the Constitution. No freedom secure without the court to protect it. The organic balance between the three branches, the legislature, executive and the judiciary, is upset by eroding the authority of the Supreme Court in a vital matter like election. And the Rule of Law is abrogated by providing that the election of the Prime Minister shall continue to be valid and will be open to no challenge before any court or any authority whatsoever. (vii) The concept of political justice recognized by the Preamble is violated by the 39th Amendment. The Constitution can always be subverted by revolutionary methods. The question is whether it is permissible to the Parliament to use the legitimacy of constitutional provisions for effecting revolutionary changes. (viii) The constituent power partakes of legislative power and can only be exercised within the highest ambit of the latter power. Therefore, even with a two-third majority, the constituent body cannot exercise executive or judicial power. For example, the power to appoint or dismiss a Government servant or the power to declare war which are executive powers cannot be exercised by the Constituent Assembly. Similarly, it cannot, in the guise of amending the Constitution, provide that an accused arraigned before a criminal court shall be acquitted and shall be deemed to be innocent. The constituent body can make changes in the conditions of the exercise of judicial power but it cannot usurp that power; and lastly (ix) The question in the Fundamental Rights case was whether Parliament can, in the exercise of its power of amendment abridge or take away Fundamental Rights and whether there are any inherent or implied limitations on the Parliament's power of amendment. In other words, the question was whether the power of amendment can be exercised so as to destroy or mutilate the basic structure of the Constitution. The Fundamental Rights case did not involve the consideration of the question as to what the power of amendment comprehends. Promoting and demoting Government servants, passing and failing students who have appeared in an examination, granting or withdrawing building contracts and last but not the least, declaring who has won and who has lost an election are matters clearly outside the scope of the amending power under article 368, which means and implies the power to alter the fundamental instrument of country's governance.

Learned counsel appearing for the Union of India and for Smt. Indira Gandhi did not dispute the contention that the appeals before us must be disposed of on the basis of the law laid down by the majority in the Fundamental Rights case.

The learned Attorney General contended that: (i) The majority decision in the Fundamental Rights case is not an authority for the proposition that there could be no free or fair elections without judicial review. The Constitutions and laws of several countries leave the decision of election disputes to the judgment of the legislatures themselves. The history of the Representation of the People Act, 1951 as also various articles in our Constitution show that judicial review can be excluded in appropriate cases as a matter of policy. (ii) That validation of elections is a process well-known to democratic forms of Government. (iii) That a law may be constitutional even if it relates to a single individual if on account of special reasons the single individual could be treated as a class by himself. (iv) That it is clear from articles 326 and 327 of the Constitution that the Constitution makers thought that as a matter of high policy elections ought to be dealt with by the Constitution itself and not by ordinary legislation passed within the framework of the Constitution. How much of elections should be dealt with by

Article 31B which on the face of it denied equality to differential legislation is not a matter for the courts to decide. If the constituent body thought that the offices of the Prime Minister and the Speaker are important enough to be dealt with by the Constitution itself in the matter of their elections to the Parliament, it cannot be said that the decision is frivolous or without jurisdiction; and that (v) The contention that the 39th Amendment is not an exercise of constituent power should not be allowed to be taken up because every possible aspect of the matter was argued in Sankari Prasad's case, Sajjan Singh's case and the Fundamental Rights case. The basic question involved in these cases was as to what is the meaning of the word 'amendment'. The argument now is that there is a further limitation on the amending power. If it is the same question and has been decided, it cannot be reopened by saying that the question has a new aspect which was not considered then. If the question is new, the principle of the Fundamental Rights case cannot be extended any further. Therefore, the constituent power must be held to be a plenary power on which the only limitation is as regards the inviolability of the basic structure.

The learned Solicitor-General who continued the unfinished arguments of the learned Attorney-General urged that (i) Article 14 is founded on a sound public policy recognised and followed in all civilised States. The exclusion of judicial review does not by itself mean the negation of equality. Article 31B which on the face of it denied equality to different sections of the community attained the ideal of economic justice by bringing about economic equality. Article 33 also shows that the demands of public problems may require the adjustment of Fundamental Rights for ensuring greater equality. (ii) What a Constitution should contain depends on what permanency is intended to be accorded to a particular provision included in the Constitution. (iii) Exclusion of judicial review is at least permissible in those fields where originally the Constitution did not provide for or contemplate judicial review. (iv) If the election law does not apply, as it ceases to apply by virtue of article 329A(4), it is the function of the legislature to declare whether or not a particular election is good or bad; and that (v) Rule of Law is not a part of the basic structure of the Constitution and apart from article 14, our Constitution recognises neither the doctrine of equality nor the Rule of Law.

Shri A. K. Sen who appears for Smt. Indira Gandhi defended the 39th Amendment by contending that: (i) The Amendment follows the well-known pattern of all validation Acts by which the basis of judgments or orders of competent courts and Tribunals is changed and the judgments and orders, are made ineffective. (ii) The effect of validation is to change the law so as to alter the basis of any judgment, which might have been given on the basis of old law and thus to make the judgment ineffective. (iii) A formal declaration that the judgment rendered under the old Act is void, is not necessary. If the matter is pending in appeal, the appellate court has to give effect to the altered law and reverse the judgment. If the matter is not pending in appeal, then the judgment ceases to be operative and binding as *res-judicata*. (iv) The rendering of a judgment ineffective by changing its basis by legislative enactment is not an encroachment on judicial power but a legislation within the competence of the legislature rendering the basis of the judgment non-*est*. (v) The constituent power has retrospectively changed the law in so far as it relates to election. The constituent authority could have left the application of the changed law either to Parliament or to any other body. But it has chosen to assume the duty of determination in this particular case for itself. (vi) The determination of election disputes and the validity of elections is not an exercise of judicial power. This function may be left either to courts, properly so-called or to Tribunals or to other bodies including the legislature itself. (vii) The rigid separation of powers as it obtains in the United States or in a lesser degree under the Australian Constitution does not apply to India. Many powers, which are strictly judicial, have been excluded from the purview of the courts. There is, therefore, no question of any separation of powers being involved in matters concerning elections and election petitions. (viii) There is no question of separation of powers when the constituent authority exercises either a power which is allocated to the Legislature, or to the Executive or to the Judiciary under the Constitution. In the hands of the constituent authority there is no demarcation of powers. But the demarcation emerges only when it leaves the hands of the constituent authority

through well-defined channels into demarcated pools. The constituent power is independent of the letters of limitations imposed by separation of powers in the hands of the organs of the Government amongst whom the supreme authority of the State is allocated. (ix) The Constituent power springs as the fountainhead and partakes of sovereignty and is the power which creates the organs and distributes the powers. Therefore, in a sense, the constituent power is all-embracing and is at once judicial, executive and legislative. It is, in a sense, "super power". (x) Even if the preamble lays down as its objective the attainment of equality, the 39th Constitution Amendment does not violate the said concept of equality as the same is based on a rational classification and has a reasonable nexus with the object of the Amendment. (xi) The Preamble to the Constitution only refers to securing "equality of status and opportunity". Equality of status and opportunity has got many facets: some of these facets are guaranteed as fundamental rights under articles 14 to 18 of the Constitution. These facets alone can be considered to be basic features of the Constitution, assuming that equality was a basic feature of the Constitution. (xii) "Free and fair election" does not postulate that there must be a constitutional provision for determining election disputes by a separate Tribunal or Court. (xiii) The 39th Amendment Act does not affect the structure of a Republican Democracy, assuming that the same is a basic feature of the Constitution. The validation of one election does not alter the character of the democracy; and (xiv) A Constitutional amendment need not necessarily relate to the structural organisation of the State.

Shri Jagannath Kaushal supported the arguments of Shri Sen by citing pragmatic illustrations. He gave interesting statistics showing that a very small percentage of election petitions succeed eventually which, according to him, is evidence that such petitions are used by defeated candidates as an instrument of oppression against successful candidates. Parliament, therefore, wanted to save high personages from such harassment. A law may benefit a single individual and may still be valid. According to Shri Kaushal, the judgment of the Allahabad High Court became a nullity by reason of that Court ceasing retrospectively to have jurisdiction over the dispute and a judgment which is a nullity need not be set aside. It can even be challenged in a collateral proceeding.

I thought it only fair to indicate broadly the line of approach adopted by the various learned counsel to the question as regards the validity of the 39th Amendment. It will serve no useful purpose to take up each one of the points for separate consideration and indeed many an argument is inter-related. It would be enough for my purpose to deal with what I consider to be points of fundamental importance, especially as my learned Brethren have dealt with the other points.

This Court has strictly adhered to the view that in Constitutional matters one must decide no more than is strictly necessary for an effective adjudication of the points arising in any case. By that test, a numerically substantial part of the 39th Amendment has to be deferred for consideration to a future occasion. We are clearly not concerned in these appeals with the new article 71 introduced by the 39th Amendment, which deals with the election of the President and the Vice-President. We are concerned with the new article 329A but not with the whole of it. Clauses (1) to (3) of that article deal with future events and the validity of those clauses may, perhaps, be examined when those events come to happen. Clauses (4) to (6) of article 329A are the ones that are relevant for our purpose and I propose to address myself to the validity of those provisions.

Clause (4) of article 329A, which is the real focus of controversy, may conveniently be split up as follows for understanding its true nature and effect: (i) The Laws made by Parliament prior to August 10, 1975 in so far as they relate to election petitions and matters connected therewith cease to apply to the Parliamentary election of Smt. Indira Gandhi which took place in 1971. (ii) Such Laws are repealed retrospectively in so far as they governed the aforesaid election, with the result that they must never be deemed to have applied to that election. (iii) Such an election cannot be declared to be void on any of the grounds on which it could have been declared to be void under the Laws which were in force prior to August 10, 1975. (iv) The election shall not be deemed ever to have become void on any ground on which, prior to August 10, 1975 it was declared to be void. (v) The

election shall continue to be valid in all respects notwithstanding the judgment of any court, which includes the judgment dated June 12, 1975 of the High Court of Allahabad. (vi) The judgment of the Allahabad High Court and any finding on which the judgment and order of that court is based are void and shall be deemed always to have been void.

Shri Shanti Bhushan has, as it were, a preliminary objection to the 39th Amendment that the election of a private individual and the dispute concerning it cannot ever be a matter of Constitutional amendment. Whether this contention is sound is another matter but I do not see the force of the argument of the Attorney-General that in view of the decisions in *Sankari Prasad's case*, *Sajjan Singh's case* and the *Fundamental Rights case*, the contention is not open to be taken. The question raised by Shri Shanti Bhushan was not raised or considered in either of the three aforesaid cases and I do not see how the question can be shelved. The argument is not a new facet of the theory of inherent or implied limitations on the amending power, in which case it might have been plausible to contend that the last word was said on the subject by the Full Court in the *Fundamental Rights case*. The question now raised touches a totally new dimension of the amending power; Can the Constituent Assembly, while amending the Constitution, pronounce upon private disputes or must it only concern itself with what may be termed organisational matters concerning the country's governance? The question has the merit of novelty, but I see no substance in it. But I must clarify that I prefer to examine the point in isolation, that is, divorced from considerations arising from the theory of separation of powers. Whether the amendment constitutes an encroachment on judicial functions and thereby damages one of the basic structures of the Constitution may best be examined separately. The reason why I see no substance in Shri Shanti Bhushan's contention is that what the Constitution ought to contain is not for the Courts to decide. The touchstone of the validity of a Constitutional amendment is firstly whether the procedure prescribed by Article 368 is strictly complied with and secondly whether the amendment destroys or damages the basic structure of the Constitution. The subject-matter of constitutional amendments is a question of high policy and Courts are concerned with the interpretation of laws, not with the wisdom of the policy underlying them. I do not see why the Constitution cannot be amended so as to provide that wagering contracts shall be void or that bigamous marriages shall be unlawful or that economic offenders shall be visited with a higher penalty. The Indian Constitution is not like the American Constitution an instrument of few words. The range of topics it covers would baffle any student of foreign Constitutions which do not even skirt the problems with which our Constitution deals in copious details. In fact, there is hardly any important facet of national life which our Constitution does not touch. Along with matters of high priority like citizenship, Fundamental Rights, Directive Principles of State policy and the relations between the Union and the States, it deals with matters not normally considered constitutionally important like the salaries of high dignitaries, the power of the Supreme Court to frame rules for regulating its practice and procedure, official language for communication between one State and another and last but not the least, elections to the Parliament and the State Legislatures. Those to whose wisdom and judgment the constituent power is confided, will evoke scorn and derision if that power is used for granting or withdrawing building contracts, passing or failing students or granting and denying divorces. But the electorate lives in the hope that a sacred power will not so flagrantly be abused and the moving finger of history warns of the consequences that inevitably flow when absolute power has corrupted absolutely. The fear of perversion is no test of power.

But the comparison is odious between the instances given by Shri Shanti Bhushan and the subject-matter of Article 329A(4) of the Constitution. In the first place, elections to legislatures were considered by Constitution-makers to be a matter of constitutional importance. Secondly, though the powers of the Prime Minister in a cabinet form of democracy are not as unrivalled as those of the President in the American system, it is undeniable that the Prime Minister occupies a unique position. The choice of the subject for constitutional amendment cannot, therefore, be characterized as trifling, frivolous or outside the framework of a copious

Constitution. In America, the challenge to the 18th Amendment on the ground that ordinary legislation cannot be embodied in a constitutional amendment was brushed aside as unworthy of serious attention. Rottschaefer endorsed it as consistent with the ultimate political theory on which the American constitutional system is based. "The people, acting through the machinery provided by the existing Constitution, must be accorded the legal power to change their basic law by peaceable means".⁽¹⁾ In fact, it is wrong to think that elections to the country's legislatures are a private affair of the contestants. They are matters of public interest and of national importance. Every citizen has a stake in legislative elections for, his social and economic well-being depends upon the promises and performance of the legislators. Such elections, and more so the election of the Prime Minister who is at least *primus inter pares*, can legitimately form the subject-matter of a constitutional provision. The validity of what is brought into the Constitution has to be judged by different standards.

There was some discussion at the Bar as to which features of the Constitution form the basic structure of the Constitution according to the majority decision in the *Fundamental Rights case*. That, to me, is an inquiry both fruitless and irrelevant. The ratio of the majority decision is not that some named features of the Constitution are a part of its basic structure but that the power of amendment cannot be exercised so as to damage or destroy the essential elements or the basic structure of the Constitution, whatever these expressions may comprehend. Sikri, C.J. mentions supremacy of the Constitution, Republican and Democratic form of the Government, secular character of the Constitution, separation of powers, federalism and dignity and freedom of the individual as essential features of the Constitution. Shelat and Grover, JJ. have added to the list two other features: the mandate to build a welfare State and unity and integrity of the Nation. Hegde and Mukherjea, JJ. added sovereignty of India as a fundamental feature of the Constitution. Reddy, J. thought that a sovereign democratic republic, Parliamentary democracy and the three organs of the State form the basic structure of the Constitution. Khanna J. held that fundamental rights are not a part of the basic structure and therefore they can be abrogated like many other provisions. He observed that basic structure indicates the broad outlines of the Constitution and since the right to property is a matter of details, it is not a part of that structure. The democratic form of Government, the secular character of the State and possibly judicial review are according to Brother Khanna a part of the basic structure of the Constitution. It is obvious that these are merely illustrations of what constitutes the basic structure and are not intended to be exhaustive. Shelat and Grover, JJ., Hegde and Mukherjea, JJ., and Reddy J. say in their judgments that their list of essential features which form the basic structure of the Constitution is illustrative or incomplete. For determining whether a particular feature of the Constitution is a part of its basic structure, one has perforce to examine in each individual case the place of the particular feature in the scheme of our Constitution, its object and purpose, and the consequences of its denial on the integrity of the Constitution as a fundamental instrument of country's governance. But it is needless for the purpose of these appeals to ransack every nook and cranny of the Constitution to discover the bricks of the basic structure. Those that are enumerated in the majority judgments are massive enough to cover the requirements of Shri Shanti Bhushan's challenge.

I consider it beyond the pale of reasonable controversy that if there be any unamendable features of the Constitution on the score that they form a part of the basic structure of the Constitution, they are that: (i) India is a Sovereign Democratic Republic; (ii) Equality of status and opportunity shall be secured to all its citizens; (iii) The State shall have no religion of its own and all persons shall be equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion and that (iv) the Nation shall be governed by a Government of laws, not of men. These, in my opinion, are the pillars of our constitutional philosophy, the pillars, therefore, of the basic structure of the Constitution.

I find it impossible to subscribe to the view that the Preamble of the Constitution holds the key to its basic structure or that the preamble is too holy to suffer a human

(1) Rottschaefer on Constitutional Law (Ed. 1939) page 397.

touch. Constitutions are written, if they are written, in the rarefied atmosphere of high ideology, whatever be the ideology. Preambles of written Constitutions are intended primarily to reflect the hopes and aspirations of people. They reasonate the ideal which the Nation seeks to achieve, the target, not the achievement. In parts, therefore, they are metaphysical like slogans. For example, that concept of Fraternity which is referred to in our Preamble is not carried into any provision of the Constitution and the concept is hardly suitable for encasement in a coercive legal formula. The Preamble, generally, uses words of "passion and power" in order to move the hearts of men and to stir them into action⁽¹⁾. Its own meaning and implication being in doubt, the Preamble cannot affect or throw light on the meaning of the enacting words of the Constitution⁽²⁾. Therefore, though our Preamble was voted upon and is a part of the Constitution, it is really "a preliminary statement of the reasons" which made the passing of the Constitution necessary and desirable⁽³⁾. As observed by Gajendragadkar J. in *re: Berubari Union & Exchange of Enclaves*⁽⁴⁾, what Willoughby has said about the Preamble to the American Constitution, namely, that it has never been regarded as the source of any substantive power, is equally true about the prohibitions and limitations. The Preamble of our Constitution cannot therefore be regarded as a source of any prohibitions or limitations.

Judicial review, according to Shri Shanti Bhushan, is a part of the basic structure of the Constitution, and since the 39th Amendment by articles 329A (4) and (5) deprives the courts, including the Supreme Court, of their power to adjudicate upon the disputed election, the Amendment is unconstitutional. The fundamental premise of this argument is too broadly stated because the Constitution, as originally enacted, expressly excluded judicial review in a large variety of important matters. Article 31(4), 31(6), 136(2), 227(4), 262(2) and 329(a) are some of the instances in point. True, that each of these provisions has a purpose behind it but these provisions show that the Constitution did not regard judicial review as an indispensable measure of the legality or propriety of every determination. Article 136(2) expressly took away the power of the Supreme Court to grant special leave to appeal from the decisions of any court or Tribunal constituted by a law relating to the Armed Forces. Article 262(2) authorized the Parliament to make a law providing that the Supreme Court or any other court shall have no jurisdiction over certain river disputes. But what is even more to the point are the provisions contained in articles 103(1) and 329(b). Article 102 prescribes disqualifications for membership of the Parliament. By article 103(1), any question arising under article 102 as to whether a member of the Parliament has become subject to any disqualification has to be referred to the President whose decision is final. The President is required by article 103(2) to obtain the opinion of the Election Commission and act according to its opinion. Thus, in a vital matter pertaining to the election for membership of the Parliament, the framers of the Constitution had left the decision to the judgment of the executive. Articles 327 and 328 give power to the Parliament and the State legislatures to provide by law for all matters relating to elections to the respective legislatures, including the preparation of electoral rolls and the delimitation of constituencies. By article 329(a), the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies cannot be called in question in any court.

The provision contained in article 329(b) is decisive on the question under consideration. That article provides that no election to the Parliament or the State legislature shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature. It was therefore open to the legislature to leave the adjudication of election disputes to authorities other than those in the hierarchy of our judicial system. In fact, until the passing of the Representation of the People (Amendment) Act, 47 of 1966, by which High Courts were given jurisdiction

to try election petitions, that jurisdiction was vested first in a tribunal consisting of three members and later in a tribunal consisting of a single member who was to be a sitting District Judge. The decisions of those tribunals could eventually be brought before the Supreme Court under article 136(1) of the Constitution but it is at least plausible that were the Legislatures to pass laws leaving the decision of election disputes to themselves, judicial review might have stood excluded. Since the Constitution, as originally enacted, did not consider that judicial power must intervene in the interests of purity of elections, judicial review cannot be considered to be a part of the basic structure in so far as legislative elections are concerned. The theory of Basic Structure has to be considered in each individual case, not in the abstract, but in the context of the concrete problem. The problem here is whether under our Constitution, judicial review was considered as an indispensable concomitant of elections to country's Legislatures. The answer, plainly, is no.

In England, prior to 1770, controverted elections were tried by the whole House of Commons as mere party questions but in order "to prevent so notorious a perversion of justice" the House consented to submit the exercise of its privilege to a Tribunal composed of its own member (5). In 1868, the jurisdiction of the House to try election petitions was transferred by statute to the Courts of Law. A Parliamentary election petition is now tried by two judges from out of three puisne judges of the Queen's Bench Division who are put on the rota for trial of such petitions by selection every year by a majority of votes of the Judges of that Division. At the conclusion of the trial, the Court must forthwith certify the determination to the Speaker. The determination, upon such certification, is final to all intents and purposes. Thus, in England, the Election Court is constituted by a special method, it exercises a jurisdiction out of the ordinary jurisdiction which is normally exercised by Courts of Law and its determination acquires finality upon certification to the Speaker of the House of Commons. No appeal lies against the decision of the Election Court save by leave of the Court and if leave is granted, the decision of the Court of Appeal is final and conclusive⁽⁶⁾.

Under Article 1, section 5, clause 1 of the American Constitution, each House is the judge of the elections, returns and qualifications of its own members. Each House, in judging of elections under this clause, acts as a judicial tribunal⁽⁷⁾. Any further review of the decisions of the two Houses seems impermissible.

I am therefore unable to accept the contention that articles 329A(4) and (5) are unconstitutional on the ground that by those provisions, the election of the Prime Minister is placed beyond the purview of courts.

Equally, there is no substance in the contention that the relevant clauses of the 39th Amendment are in total derogation of 'political justice' and are accordingly unconstitutional. The concept of political justice of which the Preamble speaks is too vague and nebulous to permit by its yardstick the invalidation of a Constitutional amendment. The Preamble, as indicated earlier, is neither a source of power nor of limitation.

The contention that 'Democracy' is an essential feature of the Constitution is unassailable. It is therefore necessary to see whether the impugned provisions of the 39th Amendment damage or destroy that feature. The learned Attorney-General saw an unsurmountable impediment in the existence of various forms of democracies all over the world and he asked: What kind and form of Democracy constitutes a part of our basic structure? The cabinet system, the Presidential system, the French, the Russian or any other? This approach seeks to make the issue unrealistically complex. If the democratic form of government is the corner-stone of our Constitution, the basic feature is the broad form of democracy that was known to Our Nation when the Constitution was enacted, with such adjustments and modifications as exigencies may demand but not so as to leave the mere husk of a popular rule. Democracy is not a

1. Constitutional Law of India, 2nd Ed., (1975) p. 76-H.M. Seervai.
2. See Attorney-General vs. Prince Ernest Augustus of Hanover (1957) A.C. 436, 463.
3. Halsbury's Laws of England, 3rd Ed., p. 370, para 543.
4. (1960) 3 S.C.R. 250, 282.

5. See May's Parliamentary Practice, 18th Ed., pp. 29, 30.
6. See Halbury's Laws of England, 3rd Ed., Vol. 14, p. 250 (para 436); p. 311 (para 562); p. 324 (para 591).
7. See The Constitution of the U.S.A.—Lester Jayson (1973).

dogmatic doctrine and no one can suggest that a rule is authoritarian because some rights and safeguards available to the people at the inception of its Constitution have been abridged or abrogated or because, as the result of a constitutional amendment, the form of government does not strictly comport with some classical definition of the concept. The needs of the Nation may call for severe abnegation, through never the needs of the Rule and evolutionary changes in the fundamental law of the country do not necessarily destroy the basic structure of its government. What does the law live for, if it is dead to living needs? We cannot therefore, as lawyers and judges, generalize on what constitutes 'Democracy' though we all know the highest from of that idealistic concept—the state of bliss—in political science.

The question for consideration is whether the provisions contained in articles 329A (4) and (5) are destructive of the democratic form of government. The answer does not lie in comparisons with what is happening in other parts of the world, those that stake their claim to 'democracy', because we are not concerned to find whether despite the 39th Amendment we are still not better off, democratically, than many others. The comparison has to be between the pre-39th Amendment period and the post-39th Amendment period in the context of our Constitution.

"Those of us who have learned humility have given over the attempts to define law". This statement of Max Aadin(1) may be used to express a similar difficulty in defining 'Democracy' but just as legal scholars, not lacking in humility, have attempted to define 'Law', so have political scientists attempted a satisfactory definition of 'Democracy'. The expression is derived from the Greek word 'Demos', which was often used by the Greeks to describe the many, as distinct from the few, rather than the people as a whole. And Aristotle defined democracy as the rule of the poor, simply because they formed, always and necessarily, the more numerous class. But the word is commonly used "in the sense of the rule of the majority of the community as a whole, including 'classes' and 'masses'....., since that is the only method yet discovered for determining what is deemed to be the will of a body politic which is not unanimous. This will is expressed through the election of representatives". (2) C.F. Strong defines democracy to mean "that form of government in which the ruling power of a State is legally vested, not in any particular class or classes, but in the members of a community as a whole." This may more aptly be called a description rather than a definition of democracy because it is beyond human ingenuity to foresee the possible permutations and combinations of circumstances to which a generalisation may have to be applied.

Forgetting mere words which Tennyson said : 'Like Nature, half reveal and half conceal the Soul within', the substance of the matter is the rule of the majority and the manner of ascertaining the will of the majority is through the process of elections. I find myself unable to accept that the impugned provisions destroy the democracy structure of our government. The rule is still the rule of the majority despite the 39th Amendment and no law or amendment of the fundamental instrument has provided for the abrogation of the electoral process. In fact it is through that process that the electorate expressed its preference for Smt. Indira Gandhi over Shri Raj Narain and others. Article 326 of the Constitution by which the election to the House of the People and to the State Legislative Assemblies shall be on the basis of adult Suffrage still stands. Article 79 which provides that "There shall be a Parliament.... which shall consist of...two Houses," articles 80 and 81 which prescribe the composition of the two Houses, article 83 which provides for the duration of the Houses, article 85 which directs that six months shall not intervene between the two sessions of Parliament, article 100(1) which provides that all questions shall be determined by a majority of votes of the members present and voting, article 105 which preserves the powers and privileges of the members of Parliament and the counterparts of these articles in regard to State Legislatures retain their pristine primacy. These articles, unimpaired as they remain even after the 39th Amendment, are enough assurance that the Parliament is not leading the country to a totalitarian path.

This is not to put a seal of approval on the immunity conferred on any election but it is hard to generalize from a single instance that such an isolated act of immunity has destroyed or threatens to destroy the democratic framework of our government. One swallow does not make a summer. The swallow with its pointed wings, forked tail, a curving flight and twittering cry is undoubtedly a harbinger of summer but to see all these in the 39th Amendment and to argue that the summer of a totalitarian rule is knocking at the threshold is to take an unduly alarmist view of the political scene as painted by the Amendment. Very often, as said by Sir Frederick Pollock, "If there is any real danger it is of the alarmist's own making".(3).

The 39th Amendment is, however, open to grave objection on other grounds, in so far as clauses (4) and (5) of Article 329A are concerned. Generality and equality are two indelible characteristics of justice administered according to law. The Preamble to our Constitution by which the people of India resolved solemnly to secure to all its citizens equality of status and opportunity finds its realization in an ampler measure in Article 14 which guarantees equality before the law and the equal protection of laws to all persons, citizens, and non-citizens alike. Equality is the faith and creed of our Democratic Republic and without it, neither the Constitution nor the laws made under it could reflect the common conscience of those who owe allegiance to them. And if they did not, they would fail to command respect and obedience without which any Constitution would be doomed to founder on the rocks of revolution. A Constitution which, without a true nexus, denies equality before the law to its citizens may in a form thinly disguised, contain reprisals directed against private individuals in matters of private rights and wrongs. The English Acts of Attainder beginning with the one passed by the English Parliament in 1559 after the commencement of the wars of Roses or the 'Privilegium' in Rome are only some of the historical instances in point. Speaking of Bracton's famous passage which contains the admonition that the King ought to be under the law because the law makes him King, Sir Frederick Pollock says that there you have in a nutshell the great point of Constitutional freedom that law is not merely the instrument of Government, but the safeguard of each individual citizen's public rights and liberties(4).

Article 329A(4) makes the existing election laws retrospectively inapplicable in a very substantial measure, to the Parliamentary elections of the Prime Minister and the Speaker. The inapplicability of such laws creates a legal vacuum because the repeal, so to say, of existing laws is only a step-in-aid to free the election from the restraints and obligations of all election laws, indeed of all laws. The plain intentment and meaning of clause (4) is that the election of the two personages will be beyond the reach of any law, past or present. What follows is a neat logical corollary. The election of the Prime Minister could not be declared void as there was no law to apply to that election; the judgment of the Allahabad High Court declaring the election void is itself void; and, the election continues to be valid as it was before the High Court pronounced its judgment.

These provisions are an outright negation of the right of equality conferred by Article 14, a right which more than any other is a basic postulate of our Constitution. It is true that the right, though expressed in an absolute form, is hedged in by a judge-made restriction that it is open to the Legislature to make a reasonable classification so that the same law will not apply to all persons alike or different laws may govern the rights and obligations of different persons falling within distinct classes. The boast of Law that it is no respecter of persons is the despair of drawers of waters and hewers of wood who clamour for a differential treatment. The judge takes that boast to mean that in an egalitarian society no person can be above the law and that justice must be administered with an even hand to those who are situated equally. In other words, all who are equal are equal in the eye of Law and it will not accord a favoured treatment to persons within the same class. Laws, as Plato said, would operate "like an obstinate and ignorant tyrant if they imposed inflexible rules

1. "A Restatement of Honfeld". Harvard Law Review (1938) Vol. 51, p. 1141, 1145.

2. Modern Political Constitutions by C.F. Strong; (E.L.B.S. Ed., 2nd Impression, 1970) p. 172.

3. Ethics and Morals (Essays in Jurisprudence) p. 303.

4. Jurisprudence and Legal Essays (1961) p. 195.

without allowing for changed circumstances or exceptional cases" (1).

This Court, at least since the days of Anwar Ali Sarkar's case (2), has consistently taken the view that the classification must be founded on an intelligible differentia which distinguishes those who are grouped together from those who are left out and that the differentia must have a rational relation to the object sought to be achieved by the particular law. The first test may be assumed to be satisfied since there is no gainsaying that in our system of Government, the Prime Minister occupies a unique position. But what is the nexus of that uniqueness with the law which provides that the election of the Prime Minister and the Speaker to the Parliament will be above all laws, that the election will be governed by no norms or standards applicable to all others who contest that election and that an election declared to be void by a High Court judgment shall be deemed to be valid, the judgment and its findings being themselves required to be deemed to be void? Such is not the doctrine of classification and no facet of that doctrine can support the favoured treatment accorded by the 39th Amendment to two high personages. It is the common man's sense of justice which sustains democracies and there is a fear that the 39th Amendment, by its impugned part, may outrage that sense of justice. Different rules may apply to different conditions and classes of men and even a single individual may, by his uniqueness, form a class by himself. But in the absence of a differentia reasonably related to the object of the law, justice must be administered with an even hand to all.

It follows that clauses (4) and (5) of Article 329A are arbitrary and are calculated to damage or destroy the Rule of Law. Imperfections of language hinder a precise definition of the Rule of Law as of the definition of 'Law' itself. And the Constitutional Law of 1975 has undergone many changes since A. V. Dicey, the great expounder of the rule of law, delivered his lectures as Vinerian Professor of English Law at Oxford which were published in 1885 under the title, 'Introduction to the Study of the Law of the Constitution.' But so much, I suppose, can be said with reasonable certainty that the rule of law means that the exercise of powers of government shall be conditioned by law and that subject to the exceptions to the doctrine of Equality, no one shall be exposed to the arbitrary will of the Government. Dicey gave three meanings to rule of law: Absence of arbitrary power, equality before the law or the equal subjection of all classes to the ordinary law of the land administered by ordinary law courts and that the Constitution is not the source but the consequence of the rights of individuals, as defined and enforced by the Courts. The second meaning grew out of Dicey's unsound dislike of the French *Droit Administratif* which he regarded "as a misfortune inflicted upon the benighted folk across the Channel". (3) Indeed, so great was his influence on the thought of the day that as recently as in 1935 Lord Hewart, the Lord Chief Justice of England, dismissed the term "administrative Law" as "continental jargon". The third meaning is hardly apposite in the context of our written Constitution for, in India, the Constitution is the source of all rights and obligations. We may not therefore rely wholly on Dicey's exposition of the rule of law but ever since the second World War, the rule has come to acquire a positive content in all democratic countries. (4) The International Commission of Jurists, which has a consultative status under the United Nations, held its Congress in Delhi in 1959 where lawyers, judges and law teachers representing fifty-three countries affirmed that the rule of law is a dynamic concept which should be employed to safeguard and advance the political and civil rights of the individual in a free society. One of the committees of that Congress emphasised that no law should subject any individual to discriminatory treatment. These principles must vary from country to country depending upon the provisions of its Constitution and indeed upon whether there exists a written Constitution. As it has been said in a lighter vein, to show

the supremacy of the Parliament, the charm of the English Constitution is that "it does not exist". Our Constitution exists and must continue to exist. It guarantees equality before law and the equal protection of laws to every one. The denial of such equality, as modified by the judicially evolved theory of classification, is the very negation of rule of law.

The argument directed at showing the invalidation of the 39th Amendment on the ground that it abrogates the principle of 'Separation of Powers' is replete with many possibilities since it has several sidelights. But I will be brief since I have already held that clauses (4) and (5) of Article 329A are unconstitutional. I cannot regard the point as unnecessary for my determination since the point seems to me of great constitutional importance.

The Indian Constitution was enacted by the Constituent Assembly in the backdrop of the National struggle for Independence. The Indian people had gone through a travail and on the attainment of Independence, the country had to face unique problems which had not confronted other federations like America, Australia, Canada or Switzerland. These problems had to be solved pragmatically and not by confining the country's political structure within the strait jacket of a known or established formula. The Constituent Assembly, therefore, pursued the policy of pick and choose to see what suited the genius of the Nation best. "This process produced new modifications of established ideas about the construction of federal governments and their relations with the governments of their constituent units. The Assembly, in fact, produced a new kind of federalism to meet India's peculiar needs" (5). While introducing the Draft Constitution in the Constituent Assembly, Dr. Ambedkar who was one of the chief architects of the Constitution said that our Constitution avoided the tight mould of federalism in which the American Constitution was caught and could be "both unitary as well as federal according to the requirements of time and circumstances". We have what may perhaps be described by the phrase, 'co-operative federalism', a concept different from the one in vogue when the federations of United States or of Australia were set up.

The American Constitution provides for a rigid separation of governmental powers into three basic divisions—the executive, legislative and judicial. It is an essential principle of that Constitution that powers entrusted to one department should not be exercised by any other department. The Australian Constitution follows the same pattern of distribution of powers. Unlike these Constitutions, the Indian Constitution does not expressly vest the three kinds of power in three different organs of the State. But the principle of separation of powers is not a magic formula for keeping the three organs of the State within the strict confines of their functions. As observed by Carozo, J. in his dissenting opinion in *Panama Refining Company v. Ryan*, (6) the principle of separation of powers "is not a doctrinaire concept to be made use of with pedantic rigour. There must be sensible approximation, there must be elasticity of adjustment in response to the practical necessities of Government which cannot foresee today the developments of tomorrow in their nearly infinite variety". Thus, even in America, despite the theory that the legislature cannot delegate its power to the executive, a host of rules and regulation are passed by non-legislative bodies, which have been judicially recognized as valid. (7)

The truth of the matter is that the existence, and the limitations on the powers of the three departments of government are due to the normal process of specialisation in governmental business which becomes more and more complex as civilization advances. The legislature must make laws, the executive enforce them and the judiciary interpret them because they have in their respective fields acquired an expertise which makes them competent to discharge their duly appointed functions. The Moghal Emperor, Jahangir, was applauded as a reformist because soon after his accession to the throne in 1605, he got a golden chain with sixty bells hung in his palace so that the common man

1. See "The Sense of Injustice" by Edmond Cahn (1964) S. 534 in which the reference is made to Plato's *Politicus*, p. 294.

2. 1952 S.C.R. 284.

3. See *Judicial Review of Administrative Action—S.A. de Smith*, (1968) p. 5.

4. See Wade and Phillips' *Constitutional Law* (Sixth Ed.), pp. 70-73.

5. *The Indian Constitution: Cornerstone of a Nation* by Granville Austin, (1972) p. 186.

6. 293 U.S. 388, 440.

7. See the judgment of Mukherjea, J. in *Delhi Laws Act case*, 1951 S.C.R. 747, 964.

could pull it and draw the attention of the Ruler to his grievances and sufferings. The most despotic Monarch in the modern world prefers to be armed, even if formally, with the opinion of his Judges on the grievances of his subjects.

The political usefulness of the doctrine of separation of powers is now widely recognized though a satisfactory definition of the three functions is difficult to evolve. But the function of the Parliament is to make laws, not to decide cases. The British Parliament in its unquestioned supremacy could enact a legislation for the settlement of a dispute or it could, with impunity, legislate for the boiling of the Bishop of Rochester's cook. The Indian Parliament will not direct that an accused in a pending case shall stand acquitted or that a suit shall stand decreed. Princely India, in some parts, often did it.

The reason of this restraint is not that the Indian Constitution recognizes any rigid separation of power. Plainly, it does not. The reason is that the concentration of powers in any one organ may, by upsetting that fine balance between the three organs, destroy the fundamental premises of a democratic government to which we are pledged. Sir Carleton K. Allen says in his 'Law and Orders' (1965 Ed., p. 8) that neither in Montesquieu's analysis nor in Locke's are the governmental powers conceived as the familiar trinity of legislative, executive and judicial powers. Montesquieu "separation" took the form not of impassable barriers and unalterable frontiers, but of mutual restraints, or of what afterwards came to be known as "checks and balances". (p. 10). The three organs must act in concert, not that their respective functions should not ever touch one another. If this limitation is respected and preserved, "it is impossible for that situation to arise which Locke and Montesquieu regarded as the eclipse of liberty-the monopoly, or the disproportionate accumulation, of power in one sphere". (p. 19; Allen). In a federal system which distributes powers between three co-ordinate branches of government, though not rigidly, disputes regarding the limits of constitutional power have to be resolved by courts and therefore, as observed by Paton, "the distinction between judicial and other powers may be vital to the maintenance of the Constitution itself" (1). Power is of an encroaching nature, wrote Madison in 'The Federalist'. The encroaching power which the Federalists feared most was the legislative power and that, according to Madison, is the danger of all republics. Allen says that the history of both the United States and France have shown on many occasions that fear was not unjustified. (2)

I do not suggest that such an encroaching power will be pursued relentlessly or ruthlessly by our Parliament. But no Constitution can survive without a conscious adherence to its fine checks and balances. Just as Courts ought not to enter into problems entwined in the "political thicket", Parliament must also respect the preserve of the Courts. The principle of separation of powers is a principle of restraint which "has in it the precept, innate in the prudence of self-preservation (even if history has not repeatedly brought it home), that discretion is the better part of valour". (3) Courts have, by and large, come to check their valorous propensities. In the name of the constitution, the Parliament may not also turn its attention from the important task of legislation to deciding court cases for which it lacks the expertise and the apparatus. If it gathers facts, it gathers facts of policy. If it records findings, it does so without a pleading and without framing any issues. And worst of all, if it decides a Court case, it decides without hearing the parties and in defiance of the fundamental principles of natural justice.

The Parliament, by clause (4) of Article 329A, has decided a matter of which the country's Courts were lawfully seized. Neither more nor less. It is true, as contended by the learned Attorney-General and Shri Sen, that retrospective validation is a well-known legislative process which has received the recognition of this Court in tax cases, pre-emption cases, tenancy cases and a variety of other matters. In fact, such validation was resorted to by the legislature and upheld by this Court in at least four election cases, the last of

them being *Kanta Kathuria v. Manak Chand Surana*. (1) But in all of these cases, what the legislature did was to change the law retrospectively so as to remove the reason of disqualification, leaving it to the Court to apply the amended law to the decision of the particular case. In the instant case the Parliament has withdrawn the application of all laws whatsoever to the disputed election and has taken upon itself to decide that the election is valid. Clause (5) commands the Supreme Court to dispose of the appeal and the cross-appeal in conformity with the provisions of clause (4) of Article 329A, that is, in conformity with the "judgment" delivered by the Parliament. The "separation of powers does not mean the equal balance of powers", says Harold Laski, but the exercise by the legislature of what is purely and indubitably judicial function is impossible to sustain in the context even of our co-operative federalism which contains no rigid distribution of powers but which provides a system of salutary checks and balances.

I find it contrary to the basic tenets of our Constitution to hold that the Amending Body is an amalgam of all powers legislative, executive and judicial. "Whatever pleases the emperor has the force of law" is not an article of democratic faith. The basis of our Constitution is a well-planned legal order, the presuppositions of which are accepted by the people as determining the methods by which the functions of the government will be discharged and the power of the State shall be used.

So much for the 39th Amendment. The argument regarding the invalidity of the Representation of the People (Amendment) Act, 58 of 1974, and of the Election Laws (Amendment) Act, 1975 has, however, no substance. The Constitutional amendments may, on the ratio of the Fundamental Rights case, be tested on the anvil of basic structure. But apart from the principle that a case is only an authority for what it decides, it does not logically follow from the majority judgment in the Fundamental Rights case that ordinary legislation must also answer the same test as a constitutional amendment. Ordinary laws have to answer two tests for their validity: (1) The law must be within the legislative competence of the legislature as defined and specified in Chapter I, Part XI of the Constitution and (2) it must not offend against the provisions of Articles 13(1) and (2) of the Constitution. 'Basic structure', by the majority judgment, is not a part of the fundamental rights or nor indeed a provision of the Constitution. The theory of basic structure is woven out of the conspectus of the Constitution and the amending power is subjected to it because it is a constituent power. 'The power to amend the fundamental instrument cannot carry with it the power to destroy its essential features' this, in brief, is the arch of the theory of basic structure. It is wholly out of place in matters relating to the validity of ordinary laws made under the Constitution.

Shri Shanti Bhushan thought it paradoxical that the higher power should be subject to a limitation which will not operate upon a lower power. There is no paradox, because certain limitations operate upon the higher power for the reason that it is a higher power. A constitutional amendment has to be passed by a special majority and certain such amendments have to be ratified by the Legislatures of not less than one-half of the States as provided by article 368(2). An ordinary legislation can be passed by a simple majority. The two powers, though species of the same genus, operate in different fields and are therefore subject to different limitations.

No objection can accordingly be taken to the constitutional validity of the two impugned Acts on the ground that they damage or destroy the basic structure. The power to pass these Acts could be exercised retrospectively as much as prospectively.

These Acts effectively put an end to the two appeals before us for they answer the totality of the objections which were raised by Shri Raj Narain against the election of Smt. Indira Gandhi. The basis of the findings on which the High Court held against the successful candidate is removed by Act 40 of 1975 retrospectively. Were the law as it is under the amendments introduced by that Act, the High Court could not have held that the election is vitiated by the two particular corrupt practices. In regard to the cross appeal filed by Shri Raj Narain, Shri Shanti Bhushan thought that a part of it escapes through the crevices in the Act but I see no

1. A text-book of Jurisprudence (1964) page 295.

2. Allen, Law and Orders, p. 12.

3. Social Dimensions of Law and Justice-Julius Stone (1966) p. 668.

4. (1970) 2 S.C.R. 835.

substance in that contention either. I would like to add that the findings recorded by the High Court in favour of Smt. Indira Gandhi are amply borne out by the evidence to which our attention was drawn briefly by the learned counsel for the parties. The expenses incurred by the political party together with the expenses incurred by her are not shown to exceed the prescribed ceiling. Apart from that, Act 58 of 1974 makes that issue academic.

Finally, there is no merit in the contention that the constitutional amendment is bad because it was passed when some members of the Parliament were in detention. The legality of the detention orders cannot be canvassed in these appeals collaterally. And from a practical point of view, the presence of 21 members of the Lok Sabha and 10 members of the Rajya Sabha who were in detention could not have made a difference to the passing of the Amendment.

In the result, I hold that clauses (4) and (5) of Article 329A are unconstitutional and therefore void. But for reasons aforesaid I allow Civil Appeal No. 887 of 1975 and dismiss Civil Appeal No. 909 of 1975. There will be no order as to costs throughout.

Sd/-

November 7, 1975

Y. V. CHANDRACHUD J.

आदेश

नई दिल्ली, 26 नवम्बर 1975

कां०आ० 404.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 263-चुनार निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राम अवध, ग्राम दर्रा, डाकघर पुरुशोत्तमपुर, जिला मिर्जापुर उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राम अवध को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं०उ०प्र०वि०स०/263/74(422)]

ORDER

New Delhi, the 26th November, 1975

S.O. 404.—Whereas the Election Commission is satisfied that Shri Ram Awadh, Village Darra, Post Office Purushottampur, District Mirzapur, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 263-Chunar, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

3. Now, therefore in pursuance of section 10A of the said Act, the Election Commission hereby declares the said

Shri Ram Awadh to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/263/74(422)]

आवेदन

कां०आ० 405.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 263-चुनार निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शिव मुरत, ग्राम परोरा, डाकघर नारायनपुर, जिला मिर्जापुर उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री शिव मुरत को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं०उ०प्र०वि०स०/263/74 (423)]

ORDER

S.O. 405.—Whereas the Election Commission is satisfied that Shri Sheo Murat, Village Parora, Post Office Narainpur, District Mirzapur, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 263-Chunar, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sheo Murat to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/263/74(423)]

आवेदन

कां०आ० 406.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 265-मिर्जापुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री फतेहयार खां, मोहल्ला तरकापुर, मिर्जापुर शहर, जिला मिर्जापुर, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं

दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री फतेह्यार खां को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं०उ०प्र०-वि०स०/265/74 (424)]

ORDER

S.O. 406.—Whereas the Election Commission is satisfied that Shri Fatehyar Khan, Mohalla Tarkapur, Mirzapur City, District Mirzapur, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 265-Mirzapur, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Fatehyar Khan to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/265/74(424)]

आदेश

का०प्रा० 407.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 265-मिर्जापुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बिहारी, ग्राम जोगियाबारी, डाकघर सदर, जिला मिर्जापुर, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बिहारी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं०उ०प्र०-वि०स०/265/74(425)]

ORDER

S.O. 407.—Whereas the Election Commission is satisfied that Shri Bihari, Village Joglabari, Post Office Sadar, District Mirzapur, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 265-Mirzapur, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

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2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bihari to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/265/74(425)]

आदेश

का०प्रा० 408.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 265-मिर्जापुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राम चन्दर, ग्राम मासरी, डाकघर घुराहु पट्टी, जिला मिर्जापुर, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राम चन्दर को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं०उ०प्र०-वि०स०/265/74 (426)]

ORDER

S.O. 408.—Whereas the Election Commission is satisfied that Shri Ram Chander, Village Masari, Post Office Ghurahupatti, District Mirzapur, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 265-Mirzapur, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Chander to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for period of three years from the date of this order.

[No. UP-LA/265/74(426)]

आदेश

का०प्रा० 409.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 270-भूरी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री केदार

नाथ, ग्राम बरईपुर, डाकघर हनुमानगंज, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहें हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री केदार नाथ को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं०उ०प्र०-वि०स०/270/74(427)]

ORDER

S.O. 409.—Whereas the Election Commission is satisfied that Shri Kedar Nath, Village Baraipur, P.O. Hanumanganj, Allahabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 270-Jhusi assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kedar Nath to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/270/74(427)]

आदेश

नई दिल्ली, 28 नवम्बर, 1975

का०आ० 410.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 311-कमालपुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जयाउद्दीन, राजेपुर सराय, डाकघर कमालगंज, जिला फर्रुखाबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जयाउद्दीन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं०उ०प्र०-वि०स०/311/74(428)]

ORDER

New Delhi, the 28th November, 1975

S.O. 410.—Whereas the Election Commission is satisfied that Shri Jayauddin, Rajepur Sarai, Post Office Kamalganj, District Farrukhabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 311-Kamalganj, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Jayauddin to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/311/74(428)]

आदेश

का०आ० 411.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 311-कमालगंज निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री देश राज, ग्राम वडाकधर जहानपुर, जिला फर्रुखाबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहें हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री देश राज को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं०उ०प्र०-वि०स०/311/74(429)]

ORDER

S.O. 411.—Whereas the Election Commission is satisfied that Shri Desh Raj, Village and Post Office Jahanaganj, District Farrukhabad, Uttar Pradesh, a contesting candidate for election to the U. P. Legislative Assembly from 311 Kamalganj assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Sri Desh Raj to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/311/74(429)]

प्रार्थना

का०प्रा० 412.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 311-कमालगंज निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राम प्रकाश, करीमगंज, झाकधर भोजपुर, जिला फर्रुखबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहें हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई कारण या व्यायोजित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसार में निर्वाचन आयोग एतद्वारा उक्त श्री राम प्रकाश को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रार्थना की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/311/74(430)]

ORDER

S.O. 412.—Whereas the Election Commission is satisfied that Shri Ram Prakash, Karimganj, Post Office Bhojpur, District Farrukhabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 311-Kamalganj, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Prakash to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/311/74(430)]

प्रार्थना

का०प्रा० 413.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 311-कमालगंज निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री श्याम लाल, गढ़िया हाबतपुर, जिला फर्रुखबाद, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसार में निर्वाचन आयोग एतद्वारा उक्त श्री श्याम लाल को संसद् के किसी भी सदन

के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रार्थना की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/311/74(431)]

ORDER

S.O. 413.—Whereas the Election Commission is satisfied that Shri Shyam Lal, Garhiya Haibatpur, Farrukhabad, District Farrukhabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 311-Kamalganj, assembly constituency, has failed to lodge an account of his election expenses in the manner, as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shyam Lal to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/311/74(431)]

प्रार्थना

नई दिल्ली, 29 नवम्बर, 1975

का०प्रा० 414.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 314-मोहम्मदाबाद निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जगपाल सिंह, ग्राम सिरौली, जिला फर्रुखबाद, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसार में निर्वाचन आयोग एतद्वारा उक्त श्री जग पाल सिंह को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रार्थना की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/314/74(432)]

ORDER

New Delhi, the 29th November, 1975

S.O. 414.—Whereas the Election Commission is satisfied that Shri Jagpal Singh, Village Sirauli, District Farrukhabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 314-Mohammadabad, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and

the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Jagpal Singh to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/314/74(432)]

आदेश

क्र० अ० 415.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 314-मोहम्मदाबाद निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री होरी लाल, मोहल्ला नाला, मछरट्टा, फर्रुखाबाद, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उस सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री होरी लाल को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/314/74(433)]

ORDER

S.O. 415.—Whereas the Election Commission is satisfied that Shri Hori Lal, Mohalla Nala Machharatta, District Farrukhabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 314 Mohammada-bad, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hori Lal to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/314/74(433)]

आदेश

नई दिल्ली, 1 दिसम्बर, 1975

क्र० अ० 416.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 313-कायमगंज निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राममूर्ति सिंह यादव, ग्राम बहलिया, डाकघर सराय, अगस्त, जिला

फर्रुखाबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाये गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह समाधान भी हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन एतद्वारा उक्त श्री राम मूर्ति सिंह यादव को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/313/74 (434)]

ORDER

New Delhi, the 1st December, 1975

S.O. 416.—Whereas the Election Commission is satisfied that Shri Ram Moorti Singh Yadav, Village Dahiliya, Post Office Sarai August, Farrukhabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 313-Kaimganj, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Moorti Singh to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/313/74(434)]

नई दिल्ली, 3 दिसम्बर, 1975

क्र० अ० 417.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 21 के उपबंधों के अनुसरण में निर्वाचन आयोग, सिक्किम सरकार के परामर्श से, जिला आफिसर, पूर्व सिक्किम, पो० आ० गंगटोक को सिक्किम राज्य को समाविष्ट करने वाले सिक्किम संसदीय निर्वाचन-क्षेत्र के लिए रिटर्निंग आफिसर के रूप में पदाभिहित करता है।

[सं० 434/सिक्किम/75 (1)]

New Delhi, the 3rd December, 1975

S.O. 417.—In pursuance of the provisions of section 21 of the Representation of the People Act, 1951, (43 of 1951), the Election Commission, in consultation with the Government of Sikkim, hereby designates the District Officer, East Sikkim, P.O. Gangtok to be the Returning Officer for the Sikkim Parliamentary Constituency comprising the State of Sikkim.

[No. 434/KMI/75(1)]

क्र० अ० 418.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 22 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्वाचन आयोग सिक्किम सरकार के निम्नलिखित आफिसरों

को सिक्किम संसदीय निर्वाचन-क्षेत्र के रिटर्निंग आफिसर की, उसके कृत्यों के पालन में सहायता करने के लिए सहायक रिटर्निंग आफिसर के रूप में नियुक्त करता है :—

1. जिला आफिसर, पश्चिम सिक्किम, पो० आ० गेजिंग ;
2. जिला आफिसर, दक्षिण सिक्किम, पो० आ० नामची ;
3. जिला आफिसर, उत्तर सिक्किम, पो० आ० मंगन ;
4. उप जिला आफिसर-एवं-योजना आफिसर, पूर्व सिक्किम पो० आ० गंगतोक ।

[सं० 434/सिक्किम/75 (2)]

S.O. 418.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, (43 of 1951), the Election Commission hereby appoints the following officers of the Government of Sikkim as Assistant Returning Officers to assist the Returning Officer for the Sikkim Parliamentary Constituency, in the performance of his functions as such Returning Officer :—

1. District Officer, West Sikkim P.O. Geyzing ;
2. District Officer, South Sikkim, P.O. Namchi ;
3. District Officer, North Sikkim, P.O. Mangan ;
4. Deputy District Officer-cum-Planning Officer, East Sikkim, P.O. Gangtok.

[No. 434/SKM/75(2)]

आदेश

का० आ० 419.—यत्, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुये मध्य प्रदेश विधान सभा के साधारण निर्वाचन के लिए 219-उदयपुरा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नूतन दास परसूमल, सागर रोड, बेगमगंज, जिला रायसेन (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाये गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यत्, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री नूतन दास को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० म० प्र०-वि० सं०/219/72 (102)]

ORDER

S.O. 419.—Whereas the Election Commission is satisfied that Shri Nootandas, Nootandas Parsumal, Sagar Road, Begumganj, District Raizen (M.P.) who was a contesting candidate for election to the Madhya Pradesh Legislative Assembly from 219-Udaipura constituency held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Nootandas to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the

Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/219/72(102)]

आदेश

का० आ० 420.—यत्, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुये मध्य प्रदेश विधान सभा के साधारण निर्वाचन के लिए 219-उदयपुरा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बाला प्रसाद, पो० आ० बेगमगंज, तहसील बेगमगंज जिला रायसेन (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाये गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यत्, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बाला प्रसाद को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० म० प्र०-वि० सं०/219/72 (103)]

ORDER

S.O. 420.—Whereas the Election Commission is satisfied that Shri Bala Prashad, P.O. Begumganj, Tahsil Begumganj, District Raizen who was a contesting candidate for election to the Madhya Pradesh Legislative Assembly from 219-Udaipura constituency held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bala Prashad to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/219/72(103)]

नई दिल्ली, 6 दिसम्बर, 1975

आदेश

का० आ० 421.—यत्, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुये उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 186-कप्तानगंज निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भवानी पाल सिंह, मुहल्ला रामेश्वर पुर, बस्ती, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाये गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा रीति से दाखिल करने में असफल रहे हैं ;

और, यत्, उक्त उम्मीदवार के अभ्यावेदन पर दिवार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

प्रतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री भवानी पाल सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/166/74 (435)]

ORDER

New Delhi, the 6th December, 1975

S.O. 421.—Whereas the Election Commission is satisfied that Shri Bhawanipal Singh, Mohalla Rameshwarpur, Basti, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 166-Captainganj, assembly constituency, has failed to lodge his account of election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, after considering the representation of the said candidate the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhawanipal Singh to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/166/74(435)]

आदेश

का० प्रा० 422.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुये उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 273-सोरांव निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री केदार नाथ, मुरादपुर उर्फ खिजिरपुर, इलाहाबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाये गये नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया, है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री केदार नाथ को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/273/74 (436)]

ORDER

S.O. 422.—Whereas the Election Commission is satisfied that Shri Kedar Nath, Muradpur, urf Khizirpur, Allahabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 273-Soraon assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said

Shri Kedar Nath to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/273/74 (436)]

आदेश

का० प्रा० 423.—यतः, निर्वाचन आयोग का समाधान हो गया कि 1974 में हुये उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 273-सोरांव निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री प्यारे लाल सेवाई, इलाहाबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाये गये नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया, है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री प्यारे लाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/273/74 (437)]

ORDER

New Delhi, the 6th December, 1975

S.O. 423.—Whereas the Election Commission is satisfied that Shri Pyare Lal, Sewaith, Allahabad Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 273-Soraon, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Pyare Lal to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a state for a period of three years from the date of this order.

[No. UP-LA/273/74(437)]

आदेश

का० प्रा० 424.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुये उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 276-इलाहाबाद दक्षिणी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भगवान प्रसाद वैद्य, 345-बरियाबाद, इलाहाबाद उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाये गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भगवान प्रसाद वैद्य को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/267/74 (438)]

ORDER

S.O. 424.—Whereas the Election Commission is satisfied that Shri Bhagwan Prasad Vaidya, 345-Dariyabad, Allahabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 276-Allahabad South, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhagwan Prasad to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a state for a period of three years from the date of this order.

[No. UP-LA/276/74(438)]

आदेश

का० प्रा० 425.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुये उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 276-इलाहाबाद दक्षिणी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भोला नाथ टंडन, 19 कूचां रायगंगा प्रसाद, इलाहाबाद, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तख्तीन बनाये गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भोला नाथ टंडन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/276/74 (439)]

ORDER

S.O. 425.—Whereas the Election Commission is satisfied that Shri Bhola Nath Tandon, 19, Kuncha Raiganga Prasad, Allahabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 276-Allahabad South, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declare the said

Shri Bhola Nath Tandon to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/276/74(439)]

आदेश

का० प्रा० 426.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुये उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 276-इलाहाबाद दक्षिणी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रमेश कुमार, चौरसिया, 376 मालवीय नगर इलाहाबाद उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तख्तीन बनाये गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा रीति से दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार के अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रमेश कुमार चौरसिया को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/276/74 (440)]

ORDER

S.O. 426.—Whereas the Election Commission is satisfied that Shri Ramesh Kumar Chaurasia, 376-Malviya Nagar, Allahabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 276-Allahabad South, assembly constituency, has failed to lodge his account of election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, after considering the representation of the said candidate, the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ramesh Kumar Chaurasia to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/276/74(440)]

आदेश

का० प्रा० 427.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुये उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 276-इलाहाबाद दक्षिणी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री श्री चन्द्र जैन पानवरीवा इलाहाबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तख्तीन बनाये गये नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा रीति से दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार के अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री श्री चन्द्र जैन को संसद के किसी भी सदन

के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/276/74 (441)]

ORDER

S.O. 427.—Whereas the Election Commission is satisfied that Shri Srichandra Jain, Pandariba, Allahabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 276-Allahabad South assembly constituency, has failed to lodge his account of election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, after considering the representation of the said candidate, the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declare the said Shri Srichandra Jain to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a state for a period of three years from the date of this order.

[No. UP-LA/276/74(441)]

आदेश

का० आ० 428.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 309-उमर्दा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बटेश्वर, ग्राम भुलभुलियापुर, मौजा महसौगा, डाकघर ठठिया, जिला फरुखाबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10 क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री बटेश्वर को संसद के किसी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० उ० प्र०-वि० सं०/309/74(442)]

ORDER

S.O. 428.—Whereas the Election Commission is satisfied that Shri Bateshwar, Village Bhulbhuliapur, Mauja Mahsainga, P.O. Thathia, District Farukhabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 309-Umardha, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declare the said Shri Bateshwar to be disqualified for being chosen

as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a state for a period of three years from the date of this order.

[No. UP-LA/309/74(442)]

आदेश

का० आ० 429.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 309-उमर्दा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बेजनाथ, ग्राम भक्रिसपुर, डाकघर रसूलबाद, जिला फरुखाबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10 क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री बेजनाथ को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० उ० प्र०-वि० सं०/309/74 (443)]

ORDER

S.O. 429.—Whereas the Election Commission is satisfied that Shri Baijnath, Village Offispur, Post Office Rasoolabad, District Farukhabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 309-Umardha, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declare the said Shri Baijnath to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a state for a period of three years from the date of this order.

[No. UP-LA/309/74(443)]

आदेश

का० आ० 430.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 309-उमर्दा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सीताराम, ग्राम पट्टी बरौली, डाकघर हसेरन, जिला फरुखाबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10 के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सीताराम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं उ० प्र०-वि० सं०/309/74 (441)]

ORDER

S. O. 430.—Whereas the Election Commission is satisfied that Shri Sita Ram, Village Patti Barauli, Post Office Haseranpur, District Farrukhabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 309-Umar-dha, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the people Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declare the said Shri Sita Ram to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a period of three years from the date of this order.

[No. UP-LA/309/74(444)]

आदेश

का० आ० 431.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 309-उमरधा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हरदयाल, ग्राम अरहो, डाकघर सकतपुर, जिला फर्रुखाबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हरदयाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं उ० प्र०-वि० सं०/309/74 (445)]

ORDER

S. O. 431.—Whereas the Election Commission is satisfied that Shri Har Dayal, Village Aruho, Post Office Sakatpur, District Farukhabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 309-Umar-dha, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Har Dayal to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/309/74(445)]

आदेश

का० आ० 432.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 309-उमरधा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्रीमती रामश्री, ग्राम व डाकघर मधपुरा जिला फर्रुखाबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्रीमती रामश्री को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं उ० प्र०-वि० सं०/309/74 (446)]

ORDER

S. O. 432.—Whereas the Election Commission is satisfied that Shrimati Ramshri, Village & Post Office Madhopura, District Farukhabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 309-Umar-dha, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shrimati Ramshri to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/309/74 (446)]

आदेश

नई दिल्ली, 9 दिसम्बर, 1975

का० आ० 433.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 277-इलाहाबाद पश्चिमी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राम आनन्द, ग्राम फूलवा, पोस्ट बेगमसराय, जिला इलाहाबाद उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राम आनन्द को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं उ० प्र०-वि० सं०/277/74 (447)]

ORDER

New Delhi, the 9th December, 1975

S. O. 433.—Whereas the Election Commission is satisfied that Shri Ram Anand, Village Fulwa, Post Begam-sarai, District Allahabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 277-Allahabad West, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri Ram Anand to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/277/74 (447)]

आदेश

क्र० प्र० 434.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 277-इलाहाबाद पश्चिमी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भगन लाल, ग्राम, आदमपुर, इलाहाबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10 क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भगन लाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० उ० प्र०-वि० सं० /277/74 (448)]

ORDER

S. O. 434.—Whereas the Election Commission is satisfied that Shri Bhaggan Lal, Village Adampur, Allahabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 277-Allahabad West, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri Bhaggan Lal to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/277/74 (448)]

आदेश

क्र० प्र० 435.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 277-इलाहाबाद पश्चिमी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीद-

वार श्री राम सरन कुशवाहा, 84-मुलेम साराय, इलाहाबाद, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10 क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राम सरन कुशवाहा को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ;

[सं० उ० प्र०-वि० सं० /277/74 (449)]

ORDER

S. O. 435.—Whereas the Election Commission is satisfied that Shri Ram Saran Kushwaha, 84, Salaim Sarai Allahabad, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 277-Allahabad West, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri Ram Saran Kushwaha to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/277/74 (449)]

आदेश

नई दिल्ली, 15 दिसम्बर, 1975

क्र० प्र० 436.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए असम विधान सभा के निर्वाचन के लिए 58-गौहाटी पूर्व निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री दामबहादुर इंगल, ग्राम दक्षिणगांव, पलालय सीकुची, जिला कामरूप, असम, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10 क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री दामबहादुर इंगल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० असम-वि० सं० /58/72]

ORDER

New Delhi, the 15th December, 1975

S. O. 436.—Whereas the Election Commission is satisfied that Shri Dambarudhar Ingol of Village Dakhingaoon, P.O. Saukuchi, District Kamrup, Assam, a contesting candidate for general election to the Assam Legislative Assembly held in March, 1972 from 58-Gauhati East constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dambarudhar Ingol to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AS-LA/58/72]

प्रादेश

नई दिल्ली, 16 दिसम्बर, 1975

क्र० प्रा० 437.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 301-औरैया निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राम सिंह, ग्राम मुन्दरा किरन सिंह, पो० प्रा० झोझक, जिला कानपुर, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राम सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० उ० प्र०-वि० सं०/301/74(450)]

ORDER

New Delhi, the 16th December, 1975

S. O. 437.—Whereas the Election Commission is satisfied that Shri Ram Singh, Village Mundra Kinner Singh, P.O. Jhijhak, District Kumpur, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 301-Auraiya, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Singh to be disqualified for being chosen as and

for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/301/74(450)]

प्रादेश

क्र० प्रा० 438.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 305-जसवन्तनगर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री विभूति प्रसाद, ग्राम व झाकधर कोलारी खेरा, जिला मेनपुरी, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम, की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री विभूति प्रसाद को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० उ० प्र०-वि० सं०/305/74 (451)]

ORDER

S. O. 438.—Whereas the Election Commission is satisfied that Shri Bibhuti Prasad, Village and Post Office Kolari Khera, District Mainpuri, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 305-Jaswantnagar, assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bibhuti Prasad to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/305/74(451)]

प्रादेश

क्र० प्रा० 439.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 221-रसडा(प्र०जा०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री खरपन्तु, ग्राम पत्रालय कोदई नगर बलिया, जिला बलिया, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

प्रतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री खरपट्टु को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/221/74 (452)]

ORDER

S.O. 439.—Whereas the Election Commission is satisfied that Shri Kharpattu, Village Post Kodai Nagar, Ballia, District Ballia, Uttar Pradesh, a contesting candidate for election to the U.P. Legislative Assembly from 221-Rasra (SC), assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kharpattu to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/221/74(452)]

आदेश

नई दिल्ली 17 दिसम्बर, 1975

का० प्रा० 440.—यतः, निर्वाचन आयोग का समाधान हो गया है 1974 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 327-ललितपुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रमेश चन्द्र चौबे, निवासी चौबियाना, जिला ललितपुर, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वधीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने व्ययों का कोई भी लेखा दाखिल करने असफल रहे हैं।

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्याख्यान नहीं है ;

अतः अब, उक्त अधिनियम, की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रमेश चन्द्र चौबे को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित करता है।

[सं० उ० प्र०-वि०/327/74 (453)]

ए० एन० सैन, सचिव

ORDER

New Delhi, the 17th December, 1975

S. O. 440.—Whereas the Election Commission is satisfied that Shri Ramesh Chandra Chaube, Resident of Chaubiyana, District Lalitpur, Uttar Pradesh, a constituency candidate for election to the U.P. Legislative Assembly from 327-Lalitpur, assembly constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ramesh Chandra Chaube to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/327/74(453)]

A. N. SEN, Secy.

विधि, न्याय और कम्पनी कार्य मंत्रालय

(कम्पनी कार्य विभाग)

नई दिल्ली, 30 दिसम्बर, 1975

का० प्रा० 441.—एकाधिकार एवं निबन्धनकारी व्यापार प्रथा अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में, केन्द्रीय सरकार एतद्वारा सैसर्स कलकत्ता कोल्ड स्टोरेज लि० के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण पत्र, संख्या 379/70 दिनांक 27 अक्टूबर, 1970) के निरातीकरण को अधिसूचित करती है।

[संख्या 2/7/75-एम०-2]

एम० सी० वर्मा, उप-सचिव

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Company Affairs)

New Delhi, the 30th December, 1975

S. O. 441.—In pursuance of sub-section (3) of section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) the Central Government hereby notifies the cancellation of registration of M/S CALCUTTA COLD STORAGE LIMITED under the said Act (certificate of registration No. 379/70 dated the 27th October, 1970).

[F. No. 2/7/75-M. II]

M. C. VARMA, Dy. Secy.

वित्त मंत्रालय

(राजस्व और बीमा विभाग)

नई दिल्ली, 1 दिसम्बर, 1975

आय-कर

का० प्रा० 442.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री कुलबन्त सिंह को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के प्रधीन कर बसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. अधिसूचना सं० 963 (फा० सं० 404/35/75-आई० टी० सी० सी०) तारीख 23 जुलाई, 1975 के अधीन श्री प्रार० एल० बजाज की नियुक्ति श्री बजाज के कार्य-भार वापस करने की तारीख से रद्द की जाती है।

3. यह अधिसूचना श्री कुलबन्त सिंह के कर बसूली अधिकारी के रूप में कार्य-भार ग्रहण करने की तारीख से प्रवृत्त होगी।

[सं० 1160 (फा० सं० 404/35/75-आई० टी० सी० सी०)]

बी० पी० मिश्र, उप-सचिव

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

New Delhi, the 3rd December, 1975

INCOME TAX

S. O. 442.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri Kulwant Singh who is a Gazetted Officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act.

2. The appointment of Shri R. L. Bajaj as Tax Recovery Officer under Notification No. 983 (F. No. 404/35/75-ITCC) dated 23rd July, 1975 is cancelled from the date Shri Bajaj hands over the charge.

3. This Notification shall come into force with effect from the date Shri Kulwant Singh takes over as Tax Recovery Officer.

[No. 1160 (F. No. 404/35/75-ITCC)]

V. P. MITTAL, Dy. Secy.

आदेश

नई दिल्ली, 9 जनवरी, 1976

स्टाम्प

का० प्रा० 443.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उस शुल्क से, जो उक्त अधिनियम के अधीन कर्नाटक राज्य वित्तीय निगम द्वारा जारी किए जाने वाले दो सौ पञ्चीस लाख रुपये के वचन-पत्रों के रूप में तदर्थ बन्धपत्रों पर प्रभावी है, छूट देती है।

[संख्या 3/76 स्टाम्प/का० संख्या 471/85/75 सीमाशुल्क VII]

ORDER

New Delhi, the 9th January, 1976

STAMP

S. O. 443.—In exercise of the powers conferred by clause (ii) of sub-section (1) of section 9 of the Indian Stamps Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the ad-hoc bonds in the form of promissory notes to the value of two hundred and twenty-five lakhs of rupees to be issued by the Karnataka State Financial Corporation, are chargeable under the said Act.

[No. 3/76-Stamps/F. No. 471/85/75-Cus. VII]

आदेश

का० प्रा० 444.—केन्द्रीय सरकार, भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस शुल्क से जो कर्ल इलेक्ट्रीफिकेशन कारपोरेशन लिमिटेड, नई दिल्ली द्वारा जारी किए जाने वाले ग्यारह करोड़ और दस लाख मूल्य के डिबेंचर्स या वचन-पत्रों के रूप में बंधपत्रों और ऐसे दस्तावेजों पर, जो उसके पश्चात्कर्ती हस्तांतरण के सक्षय स्वरूप हैं, उक्त अधिनियम के अधीन प्रभावी है, छूट देती है।

[सं० 2/76-स्टाम्प/का० सं० 471/86/75-स्टाम्प VII]

प्रो० पी० मेहरा, उप-सचिव,

ORDER

S. O. 444.—In exercise of the powers conferred by clause (a) of sub-section 1 of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the form of debentures or promissory notes of the value of eleven crores and ten lakhs of rupees, to be issued by the Rural Electrification Corporation Limited, New Delhi and the documents evidencing subsequent transfer of the same, are chargeable under the said Act.

[No. 2/76-Stamps/F. No. 471/86/75-Cus. VII]

O. P. MEHRA, Dy., Secy.

समाहर्ता कार्यालय, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क
कोचीन, 25 सितम्बर, 1975

सीमा-शुल्क

का० प्रा० 445.—सं० 1962 (1962 का 52) में इस अधिसूचना द्वारा सीमा शुल्क अधिनियम की 9 वीं धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जो कि दिनांक 18-7-75 की वित्त मंत्रालय (राजस्व व बीमा विभाग) की अधिसूचना सं० 79/सीमा शुल्क के अनुसार सीमा शुल्क विभाग के समाहर्ताओं को प्रत्यापोजित की गई है, केरल राज्य के एरनाकुलम जिले में स्थित बिनानीपुरम को माल गोदाम (बैयर हाउसिंग) स्टेशन घोषित करता है।

[सं० 1/75-सीमाशुल्क/सी० सं० VIII/48/83/75-सी०शु०पोल]

OFFICE OF THE COLLECTOR OF CUSTOMS AND
CENTRAL EXCISE, (CENTRAL EXCISE WING)

Cochin, the 25th September, 1975

CUSTOMS

S. O. 445.—In exercise of the powers conferred by Section 9 of the Customs Act, 1962 (52 of 1962) delegated to the Collectors of Customs vide Government of India, Ministry of Finance (Deptt. of Revenue & Insurance) Notification No. 79/Customs dated 18-7-75, I hereby declare Binani-puram, in the District of Ernakulam in the State of Kerala, to be a warehousing station.

[No. 1/75-Cus./C. No. VIII/48/83/75 Cus. Pol.]

कोचीन, 26 नवम्बर, 1975

का० प्रा० 446.—भारत सरकार, वित्त मंत्रालय, (राजस्व और बीमा विभाग) की दिनांक 18-7-1975 की अधिसूचना सं० 79/सीमा शुल्क के साथ पठित, सीमा शुल्क अधिनियम 1962 (1962 का 52) की 9 वीं धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं केरल राज्य के अल्लेपेयी जिले में स्थित अरूर नामक स्थान को आंशगार स्टेशन घोषित करता हूँ।

[सं०-2/75-सीमा शुल्क/सी० सं०-VIII 48/198/74-सीमा शुल्क पोल]

Cochin, the 26th November, 1975

S. O. 446.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962) read with Government of India, Ministry of Finance (Department of Revenue and Insurance) Notification No. 79/Cus. dated 18-7-1975, I declare Aroor in the District of Alleppey in the State of Kerala, to be a warehousing station.

[No. 2/75-Cus./C. No. VIII/48/198/74-Cus. Pol.]

बंगलौर, 2 दिसम्बर, 1975

Bangalore, the 2nd December 1975

का० आ० 447.—भारत सरकार, वित्त मंत्रालय (राजस्व व बीमा विभाग) की दिनांक 18 जुलाई, 1975 की अधिसूचना सं० 79/सीमा शुल्क/का० सं० 473/2/75, कस्टम-VII के साथ पठित 1962 के सीमा शुल्क अधिनियम की 9वीं धारा द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, मैं, एस० वेन्कटरामा अय्यर, समाहर्ता, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, इस अधिसूचना के द्वारा, कर्नाटक राज्य के दक्षिण कनारा जिले में मंगलूर म्युनिसिपल लिमिटेड के निकटस्थ उल्लाल नाम पंचायत कस्बे को भांडागार स्टेशन घोषित करता हूँ।

S. O. 447.—In exercise of the powers conferred by Section 9 of the Customs Act, 1962 (52 of 1962), read with notification No. 79/Customs F. No. 473/2/75 Cus. VII dated 18th July 1975 of the Government of India, Ministry of Finance (Department of Revenue and Insurance), I. S. Venkatarama Iyer, Collector of Customs and Central Excise, hereby declare "ULLAL" a town panchayat adjoining Mangalore Municipal Limits in the District of South Kanara, in the State of Karnataka, to be a warehousing station.

[सं०-2/75-सी०/सी० सं० VIII/40/7/75-सी०-2]

[No. 2/75-Cus./C. No. VIII/40/7/75. C. 2]

एस० वेन्कटरामा अय्यर, समाहर्ता,

S. VENKATARAMA IYER, Collector.

बैंकिंग विभाग

भारतीय रिजर्व बैंक

नई दिल्ली, 3 जनवरी, 1976

का० आ० 448.—भारतीय रिजर्व बैंक अधिनियम, 1934 के अनुमरण में दिसम्बर, 1975 के दिनांक 26 को समाप्त हुए सप्ताह के लिए लेखा दृष्टि विभाग

देयताएं	रुपये	रुपये	भास्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे गए		सोने का सिक्का और नुसियन:			
नोट	24,81,29,000	(क) भारत में रखा हुआ		182,52,56,000	
संचालन में नोट	6320,61,92,000	(ख) भारत के बाहर रखा हुआ			
		विदेशी प्रतिभूतियां		121,73,97,000	
जारी किये गये कुल नोट		6345,43,21,000			
			जोड़		304,26,53,000
			रुपये का सिक्का		15,75,67,000
			भारत सरकार की रुपया		
			प्रतिभूतियां		6025,41,01,000
			देशी विनिमय बिल और दूसरे		
			वाणिज्य-पत्र		
कुल देयताएं		6345,43,21,000	कुल भास्तियां		6345,43,21,000

दिनांक : 31 दिसम्बर, 1975

गबनेर

के० धार० पुरी

26 दिसम्बर, 1975 को भारतीय रिज़र्व बैंक के बैंकिंग विभाग के कार्यालय का विवरण

व्ययताप	रुपये	प्राप्तियाँ	रुपये
चुक्ता पूंजी	5,00,00,000	नोट	24,81,29,000
प्रारम्भित निधि	150,00,00,000	रुपये का भिक्का	4,41,000
राष्ट्रीय कृषि ऋण		छोटा भिक्का	5,63,000
(दीर्घकालीन प्रवर्तन निधि)	334,00,00,000	खरीदे और भुनाये गये विल	
राष्ट्रीय कृषि ऋण		(क) देशी	158,40,89,000
(स्थिरीकरण) निधि	110,00,00,000	(ख) विदेशी	..
राष्ट्रीय औद्योगिक ऋण		(ग) सरकारी खजाना बिल	270,67,35,000
(दीर्घकालीन प्रवर्तन) निधि	390,00,00,000	विदेशों में रखा हुआ बकाया*	849,54,96,000
जमा राशियाँ:—		निवेश**	696,49,75,000
(क) सरकारी		ऋण और अधिम :—	
(i) केन्द्रीय सरकार	57,93,26,000	(i) केन्द्रीय सरकार को	..
(ii) राज्य सरकारों	7,93,46,000	(ii) राज्य सरकारों को†	119,85,61,000
(ख) बैंक		ऋण और अधिम :—	
(i) अनुसूचित वाणिज्य बैंक	517,90,45,000	(i) अनुसूचित वाणिज्य बैंकों को @	483,67,40,000
(ii) अनुसूचित राज्य सहकारी बैंक	17,52,15,000	(ii) राज्य सहकारी बैंकों को @@	393,18,00,000
(iii) गैर अनुसूचित राज्य सहकारी बैंक	1,50,69,000	(iii) दूसरों को	13,48,50,000
(iv) अन्य बैंक	71,63,000	राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि से ऋण, अधिम और निवेश :—	
		(क) ऋण और अधिम :—	
(ग) अन्य	1379,11,19,000	(i) राज्य सरकारों को	69,60,97,000
देय बिल	139,37,19,000	(ii) राज्य सहकारी बैंकों को	14,20,78,000
अन्य देयता		(iii) केन्द्रीय भूमिबंधक बैंकों को	..
		(iv) कृषि पुनर्निर्माण और विकास निगम को ††	86,70,00,000
		(ख) केन्द्रीय भूमिबंधक बैंकों के डिपेंडेंसियों में निवेश	10,16,66,000
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से और ऋण अधिम	
	857,44,80,000	राज्य सहकारी बैंकों को ऋण और अधिम	94,22,90,000
		राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि से ऋण, अधिम और निवेश	
		(क) विकास बैंक को ऋण और अधिम	340,30,01,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडों/डिपेंडेंसियों में निवेश	..
		अन्य प्राप्तियाँ	372,89,71,000
	रुपये 3998,44,82,000		रुपये 3998,44,82,000

* नकदी, आवश्यक जमा और अल्पकालीन प्रतिभूतियाँ शामिल हैं।

** राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि में से किये गये निवेश शामिल नहीं हैं।

† राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि से प्रदत्त ऋण और अधिम शामिल नहीं हैं, परन्तु राज्य सरकारों को दिये गये अस्थायी और ओवर-ड्राफ्ट शामिल हैं।

@ भारतीय रिज़र्व बैंक अधिनियम की धारा 17 (4) (ग) के अधीन अनुसूचित वाणिज्य बैंकों को मीयाजी बिलों पर अधिम दिये गये 95,72,50,000 रुपये शामिल हैं।

@@ राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अधिम शामिल नहीं हैं।

के० धार० पुरी, गवर्नर

दिनांक : 31 दिसम्बर, 1975

[सं० 10 (1)/75-बी० ओ० I]

के० धार० पुरी, गवर्नर

RESERVE BANK OF INDIA

(Department of Banking)

New Delhi, the 3rd January, 1976

S.O. 448. —An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934, for the week ended the 26th day of December 1975.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	24,81,29,000		Gold Coin and Bullion :—		
Notes in circulation	6320,61,92,000		(a) Held in India	182,52,56,000	
Total notes issued		6345,43,21,000	(b) Held outside India		
			Foreign Securities	121,73,97,000	
			TOTAL		304,26,53,000
			Rupee Coin		15,75,67,000
			Government of India Rupee Securities		6025,41,01,000
			Internal Bills of Exchange and other commercial paper		..
Total Liabilities		6345,43,21,000	Total Assets		6345,43,21,000

Dated the 31st day of December, 1975

K. R. Puri, Governor

New Delhi, the 3rd January, 1976

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 26th December 1975

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	24,81,29,000
Reserve Fund	150,00,00,000	Rupee Coin	4,41,000
National Agricultural Credit (Long Term Operations) Fund	334,00,00,000	Small Coin	5,63,000
National Agricultural Credit (Stabilisation) Fund	140,00,00,000	Bills Purchased and Discounted :—	
National Industrial Credit (Long Term Operations) Fund	390,00,00,000	(a) Internal	158,40,89,000
		(b) External	
		(c) Government Treasury Bills	270,67,35,000
		Balances Held Abroad*	849,54,96,000
		Investments**	696,49,75,000
		Loans and Advances to :—	
		(i) Central Government	..
		(ii) State Governments†	119,85,71,000
		Loans and Advances to :—	
		(i) Scheduled Commercial Banks†	483,67,40,000
		(ii) State Co-operative Banks‡	393,18,00,000
		(iii) Others	13,48,50,000
		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
		(a) Loans and Advances to :—	
		(i) State Governments	69,60,97,000
		(ii) State Co-operative Banks	14,20,78,000
		(iii) Central Land Mortgage Banks	..
		(iv) Agricultural Refinance and Development Corporation	86,70,00,000
		(b) Investment in Central Land Mortgage Bank Debentures Loans and Advances from National Agricultural Credit (Stabilisation) Fund	10,16,660,00
		Loans and Advances to State Co-operative Banks Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	94,22,90,000
		(a) Loans and Advances to the Development Bank	340,30,01,000
		(b) Investment in bonds/debentures issued by the Development Bank	
		Other Assets	372,99,71,000
Other Liabilities	857,44,80,000		
RUPEES	3998,44,82,000	RUPEES	3998,44,82,000

* Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 95,72,50,000/- advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

K. R. PURI, Governor

[No. F10(1)/75-B.O. I]

Dated the 31st day of December, 1975.

नई दिल्ली, 7 जनवरी, 1976

क्रा० प्रा० 449.—बैंककारी कम्पनी (उपक्रमों का प्रजनन और अंतरण) अधिनियम, 1970 (1970 का 5) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निर्धारित करती है कि युनियन बैंक आफ इण्डिया का मुख्य कार्यालय 239, बैकवे रिक्लेमेशन, लम्बई में होगा।

[सं० एफ० 12/35/75-सी० पी० I]

च० व० मीरचन्दानी, अवर सचिव

New Delhi, the 7th January, 1976

S. O. 449.—In exercise of the powers conferred by sub-section (1) of section 7 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), the Central Government hereby specifies that the head office of Union Bank of India shall be at 239, Backbay Reclamation, Bombay.

[No. F. 12/35/75-BO. I]

C. W. MIRCHANDANI, Under Secy.

नई दिल्ली, 6 जनवरी, 1976

क्रा० प्रा० 450.—क्षेत्रीय ग्रामीण बैंक अध्यादेश, 1975 (1975 का 13) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री हसन किदवाई को संयुक्त क्षेत्रीय ग्रामीण बैंक, आजमगढ़ के अध्यक्ष के रूप में नियुक्त करती है तथा 6 जनवरी, 1976 से प्रारम्भ होकर 31 मार्च, 1976 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसमें श्री हसन किदवाई अध्यक्ष के रूप में कार्य करेंगे।

[सं०-एफ० 4-71/75-ए० सी०-VI]

New Delhi, the 6th January, 1976

S. O. 450.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Ordinance, 1975 (13 of 1975), the Central Government appoints Shri Hasan Kidwai as the Chairman of the Samyut Kshetriya Gramin Bank, Azamgarh and specifies the period commencing on the 6th January, 1976 and ending with 31st March, 1976, as the period for which the said Shri Hasan Kidwai shall hold office as such Chairman.

[No. F. 4-91/75-AC(VI)]

क्रा० प्रा० 451.—क्षेत्रीय ग्रामीण बैंक अध्यादेश, 1975 (1975 का 13) की धारा 9 की उपधारा (1) के उपबन्धों के अनुसरण में संयुक्त क्षेत्रीय ग्रामीण बैंक, आजमगढ़ के निदेशक मंडल में निम्नलिखित होंगे, प्रयत्नः—

- | | |
|--|-------------------------------|
| 1. श्री हसन किदवाई | अध्यक्ष |
| 2. श्री एस० एस० अहलुवालिया अवर सचिव, बैंकिंग विभाग, वित्त मंत्रालय, नई दिल्ली | |
| 3. श्री ए०पी० जोसेफ, उप आयुक्त, घाटर मेनेजमेंट (इंजीनियरिंग), कृषि और विघाई मंत्रालय, कृषि विभाग, नई दिल्ली। | केन्द्रीय सरकार द्वारा मनोनीत |
| 4. श्री ए० ए० कालड़ा, उप मुख्य अधिकारी बैंकिंग परिचालन तथा विकास विभाग, भारतीय रिजर्व बैंक, कानपुर। | |

132 GI/75--15

- | | |
|---|-----------------------------|
| 5. श्री प्रमत्त राय, निवा मन्दिरेड, गाजीपुर (उत्तर प्रदेश) | राज्य सरकार द्वारा मनोनीत |
| 6. श्री जी०पी० विष्ट, उप-रजिस्ट्रार, गहरवारिया, गोरखपुर (उत्तर प्रदेश) | |
| 7. श्री आर० ए० कल्याण, जयप्रकाश महा प्रबंधक, युनियन बैंक आफ इण्डिया, केन्द्रीय कार्यालय, कृषि विकास विभाग, लम्बई। | प्रामोदक बैंक द्वारा मनोनीत |
| 8. श्री मान० निगम, प्रमोदक प्रबंधक, पूर्वी उत्तर प्रदेश, युनियन बैंक आफ इण्डिया, आजमगढ़। | |
| 9. श्री बी० बी० नारंग, निवा प्रबंधक, युनियन बैंक आफ इण्डिया, लीड ऑफिस, गाजीपुर (उत्तर प्रदेश) | |

[सं० एफ० 4-91/75-ए० सी०]

क० पी० ए० मेनन, संयुक्त सचिव।

S.O. 451.—In pursuance of the provisions of sub-section (1) of section 9 of the Regional Rural Banks Ordinance, 1975 (13 of 1975), the Board of Directors of the Samyut Kshetriya Gramin Bank, Azamgarh shall consist of the following members, namely:—

- | | |
|---|--------------------------------|
| 1. Shri Hasan Kidwai | Chairman |
| 2. Shri S.S. Ahluwalia, Under Secretary, Department of Banking, New Delhi. | |
| 3. Shri A.P. Joseph, Deputy Commissioner, Water Management (Engineering), Min. of Agri. & Irrigation, Department of Agriculture, New Delhi. | Nominees of Central Government |
| 4. Shri L.N. Kalra, Asstt. Chief Officer, Department of Banking Operations & Development, Reserve Bank of India, Kanpur | |
| 5. Shri Anant Ram, District Magistrate, Ghazipur (Uttar Pradesh). | Nominees of State Government |
| 6. Shri G.C. Bisht, Deputy Registrar, Cooperatives, Gorakhpur (Uttar Pradesh) | Nominees of Sponsor Bank |
| 7. Shri R.L. Wadhwa, Assistant General Manager, Union Bank of India, Central Office, Agl. Development Department, Bombay | |
| 8. Shri R. Nigam, Regional Manager, Eastern Uttar Pradesh, Union Bank of India, Varanasi | |
| 9. Shri B.D. Narang, Development Manager, Union Bank of India, Lead Office, Ghazipur (Uttar Pradesh). | |

[No. F. 4-91/75-Act]

K. P. Menon, Jt. Secretary

नई दिल्ली, 6 जनवरी, 1976

क्रा० प्रा० 452.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्वीय 1970 के खंड 3 उपखंड (उ) के अनुसरण में केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के स्तम्भ (2) में वर्णित व्यक्तियों को, उनके सामने के स्तम्भ (3) में वर्णित व्यक्तियों के स्थान पर, इस सारणी के स्तम्भ (1) में वर्णित राष्ट्रीयकृत बैंकों के निदेशकों के रूप में नियुक्त करती है :

सारणी

1	2	3
1. सेण्ट्रल बैंक आफ इंडिया	श्री ए० के० पूजड, संयुक्त मुख्याधिकारी, बैंकिंग परिचालन और विकास विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, लम्बई।	श्री सी० एस० बैकट राय
2. पंजाब नेशनल बैंक	श्री बी० बी० दिवातिया, सांख्यिकी सलाहकार, सांख्यिकीय विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, लम्बई।	श्री बी० एम० जखड़ा

1	2	3	1	2	3
3. यूनाइटेड कमर्शियल बैंक	श्री यू० के० शर्मा, उप मुख्याधिकारी, बैंकिंग परिचालन और विकास विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, बम्बई	कु० एन० के० अम्बेगांवकर	2. Punjab National Bank.	Shri V.V. Divatia, Statistical Adviser, Department of Statistics, Reserve Bank of India, Central Office, Bombay.	Shri V.M. Jakhade
4. यूनाइटेड बैंक आफ इंडिया	डा० एम० बी० हाले, संयुक्त मुख्याधिकारी, कृषि ऋण विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, बम्बई	श्री गुलाब गौम	3. United Commercial Bank	Shri U. K. Sarma Deputy Chief Officer, Department of Banking Operations and Development, Reserve Bank of India, Central Office, Bombay.	Kumari N.K. Ambegaokar
5. देना बैंक	डा० एन० ए० मजूमदार, निदेशक, मौद्रिक आर्थिकी प्रभाग, आर्थिक विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, बम्बई	श्री बी० बी दिवातिया	4. United Bank of India	Dr. M.V. Hate, Joint Chief Officer, Agricultural Credit Department, Reserve Bank of India, Central Office, Bombay.	Shri Ghulam Ghouse
6. यूनियन बैंक आफ इंडिया	श्री टी० के० के० भागवत, उप मुख्याधिकारी, बैंकिंग परिचालन और विकास विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, बम्बई	श्री टी० पी० गुप्ता	5. Dena Bank	Dr. N.A. Mujumdar, Director, Division of Monetary Economics, Economic Department, Reserve Bank of India, Central Office, Bombay.	Shri V.V. Divatia
7. इलाहाबाद बैंक	श्री पी० के० वेंकटेश्वरन, उप मुख्याधिकारी, बैंकिंग परिचालन और विकास विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, बम्बई	श्री ए० के० भूचर	6. Union Bank of India	Shri T.K.K. Bhagavat, Deputy Chief Officer, Department of Banking Operations and Development, Reserve Bank of India, Central Office, Bombay.	Shri D.P. Gupta
8. इंडियन बैंक	कु० एम० त्यागराजन, निदेशक, बैंकिंग प्रभाग, आर्थिक विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, बम्बई	श्री यू० के० शर्मा	7. Allahabad bank.	Shri P.K. Venkateswaran, Deputy Chief Officer, Department of Banking Operations and Development, Reserve Bank of India, Central Office, Bombay.	Sh. A.K. Bhuchar
9. बैंक आफ महाराष्ट्र	श्री जी० एस० अवरवाल, उप मुख्याधिकारी, बैंकिंग परिचालन और विकास विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, बम्बई	श्री एच० बी० शिवमागगी	8. Indian Bank	Kumari M. Tyagarajan, Director, Division of Banking, Economic Department, Reserve Bank of India, Central Office, Bombay.	Shri U.K. Sarma
10. इंडियन ओवरसीज बैंक	डा० पी० डी० श्रोमा, निदेशक, आयोजना तथा विशेष अध्ययन प्रभाग, आर्थिक विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, बम्बई	कु० एम० त्यागराजन	9. Bank of Maharashtra	Shri G.S. Cabarwal, Deputy Chief Officer, Department of Banking Operations & Development, Reserve Bank of India, Central Office, Bombay.	Shri H.B. Shivamaggi
			10. Indian Overseas Bank	Dr. P.D. Ojha, Director, Division of Planning and Special Studies, Economic Department of Reserve Bank of India Central Office, Bombay.	Kumari M. Tyagarajan

[सं० एफ० 9/13/75-बी०प्र० 1]

ल०३० कटारिया, निदेशक।

New Delhi, the 6th January, 1976

S.O. 452.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints the persons specified in column (2) of the Table below as Directors of the Nationalised Banks specified in column (1) thereof in place of the persons specified in the corresponding entry in column (3) of the said Table :

TABLE

1	2	3
1. Central Bank of India	Shri A.K. Bhuchar, Joint Chief Officer, Department of Banking Operations and Development, Reserve Bank of India, Central Office, Bombay.	Shri C.S. Venkat Rao

[No. F-9/13/75 (BO-I)]
L.D. Kataria, Director.

आदेश

नई दिल्ली, 9 जनवरी, 1976

का० प्रा० 453.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के खंड (ख) के साथ पठित धारा 45 की उपधारा 2 के द्वारा प्रवृत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार उक्त धारा 45 की उपधारा (1) के अन्तर्गत भारतीय रिजर्व बैंक द्वारा दिये गये आदेश-पत्र पर विचार करने के बाद मर्कन्टाइल कोऑपरेटिव बैंक लिमिटेड, जयपुर (जिसे इसके पश्चात् सहकारी बैंक कहा गया है) के संबन्ध में एतद्वारा 10 जनवरी, 1976 को बैंक का कारोबार बन्द होने से लेकर 10 मार्च, 1976 तक और उस दिन को मिलाकर अधिस्थगन आदेश जारी करती है, जिसके अनुसार अधिस्थगन आदेश की प्रवधि के दौरान सहकारी बैंक के विरुद्ध सभी कार्यवाहियों का शुरू किया जाना अथवा शुरू की गयी कार्यवाहियों को जारी रखना स्थगित किया जाता

है किन्तु शर्त यह है कि इस प्रकार के स्थगन का किसी भी प्रकार से राजस्थान सहकारी समिति अधिनियम, 1965 (राजस्थान अधिनियम 1965 का 13) के अन्तर्गत राजस्थान सरकार द्वारा प्रयोग में लाये जाने वाले उसके अधिकारों पर प्रतिकूल प्रभाव नहीं पड़े।

2. केन्द्रीय सरकार एतद्वारा यह निदेश देती है कि उसे स्वीकृत अधिस्थगन की अवधि के दौरान सहकारी बैंक भारतीय रिजर्व बैंक की लिखित पूर्वानुमति के बिना कोई ऋण अथवा अधिम नहीं देगा, किसी प्रकार का दायित्व स्वीकार नहीं करेगा, कोई निवेश नहीं करेगा अथवा अपने दायित्वों और देनदारियों के संबंध में अथवा अन्यथा किसी प्रकार की अदायगी नहीं करेगा अथवा अदायगी करना स्वीकार नहीं करेगा अथवा किसी प्रकार का समझौता अथवा ठहराव नहीं करेगा किन्तु यह निम्नलिखित तरीके से और निम्नलिखित सीमा तक यथास्थिति अदायगियां अथवा खर्च करेगा :—

- (1) प्रत्येक बचत बैंक अथवा चालू खाते अथवा किसी भी नाम से पुकारे जाने वाले किसी अन्य जमा खाते में जेब रकम में से निम्नलिखित राशि तक:—

जमा रकम	देय रकम
25 रुपये तक	पूरा
25 रुपये से अधिक	जमा का 10 प्रतिशत अथवा 25 रुपये जो भी अधिक हो :

बशर्ते कि अदा की गयी रकम की कुल राशि किसी एक व्यक्ति (किसी अन्य व्यक्ति के साथ संयुक्त खाते में नहीं) के नाम से खाते में जमा कुल राशि के 10 प्रतिशत से अधिक अथवा 25 रुपये, इनमें जो भी अधिक हो, उससे ज्यादा न हो।

यह भी शर्त है कि ऐसे किसी व्यक्ति को कोई रकम अथवा नहीं की जाएगी जो किसी प्रकार से सहकारी बैंक का कर्जदार हो।

- (2) ऐसे किसी बैंक ड्राफ्ट, पे-ऑर्डर अथवा बैंकों की राशि जो सहकारी बैंक ने उस तारीख को जारी कर दिये हैं और अदा किये जाने हैं जिस तारीख को स्थगन का आदेश लागू होना है ;
- (3) 10 जनवरी, 1976 को अथवा उससे पूर्व भुगतान के लिए प्राप्त ढुण्डियों और उस तारीख से पहले, उस तारीख को या उस तारीख से बाद वसूल की गयी ढुण्डियों की राशियां ;
- (4) ऐसा कोई व्यय जो किसी सहकारी बैंक के द्वारा अथवा उसके विरुद्ध दायर किए गए मुकदमें, अपील, अथवा सहकारी बैंक द्वारा या उसके विरुद्ध ली गयी डिग्री या बैंक को मिलने वाली किसी रकम को वसूल करने के संबंध में करना आवश्यक हो।

बशर्ते कि प्रत्येक मुकदमें, अपील अथवा डिग्री के संबंध में किए जाने वाले व्यय की रकम 250 रुपये से अधिक की तो खर्च करने से पहले भारतीय रिजर्व बैंक की लिखित अनुमति ली जाएगी ; और

- (5) किसी अन्य पद पर कोई व्यय, जहां तक कि वह व्यय सहकारी बैंक के विचार में बैंक का दैनिक प्रशासन चलायें के लिए करना अनिवार्य हो।

बशर्ते कि जहां किसी एक कैलेण्डर मास में किसी मद पर किया गया कुल खर्च अधिस्थगन आदेश से पहले के छः कैलेण्डर महीनों में उस मद पर किए गए औसत मासिक व्यय से बड़ा जाता हो, अथवा जहां उस मद के संबंध में कोई व्यय नहीं किया गया हो और उस प्रकार किया जाने वाला व्यय 250 रुपये से बड़ा जाए तो उस प्रकार का व्यय करने से पूर्व भारतीय रिजर्व बैंक की लिखित रूप में अनुमति ली जाएगी।

3. केन्द्रीय सरकार एतद्वारा यह भी निदेश देती है कि सहकारी बैंक की स्वीकृत अधिस्थगन की अवधि के दौरान —

(क) सहकारी बैंक निम्नलिखित और अदायगियां कर सकेगा, अर्थात् सरकारी प्रतिभूतियों अथवा अन्य प्रतिभूतियों के बदले राजस्थान सरकार, भारतीय रिजर्व बैंक अथवा राजस्थान स्टेट कोऑपरेटिव बैंक लिमिटेड, भारतीय स्टेट बैंक अथवा इसके किन्हीं सहायक बैंकों या किसी अन्य बैंक द्वारा सहकारी बैंक को दिए गए ऋणों अथवा अधिमों जो अधिस्थगन आदेश के प्रभावी होने की तारीख को चुकाए जाने शेष थे, को वापसी अदायगी के लिए आवश्यक हों ;

(ख) सहकारी बैंक को पूर्वोक्त अदायगियां करने के लिए राजस्थान स्टेट कोऑपरेटिव बैंक लि० अथवा किसी अन्य बैंक के साथ अपने खाते चलाने की अनुमति दी जाएगी परन्तु इस आदेश का ऐसा कोई आशय नहीं होगा कि सहकारी बैंक को किसी रकम के दिए जाने से पहले राजस्थान स्टेट कोऑपरेटिव बैंक लि० अथवा जैसे किसी अन्य बैंक को इस संबंध में अपने आपको आवश्यक करना होगा कि इस आदेश द्वारा लगाई गई शर्तों का बैंक द्वारा पालन किया जा रहा है ;

(ग) सहकारी बैंक, उन ढुण्डियों को, जो वसूल न की गयी हों, उनको प्राप्त करने के हकदार व्यक्ति के अनुरोध पर लौटा सकेगा यदि सहकारी बैंक का उन ढुण्डियों पर कोई अधिकारी न हो अथवा वैसी ढुण्डियों में उसका कोई हित न हो ;

(घ) सहकारी बैंक ऐसे माल अथवा प्रतिभूतियों को जो इस (बैंक) के पास किसी ऋण, नकद कर्ज अथवा ओवर-ड्राफ्ट के बदले गिरवी, वृष्टि-बंधक अथवा बंधक रखी गयी हों अथवा अन्यथा प्रभारित की गयी हो, निम्नलिखित मामलों में छोड़ सकेगा ;

- (1) किसी ऐसे मामले में जहां यथास्थिति ऋणकर्ता या ऋणकर्ताओं, से मिलने वाली सारी रकम सहकारी बैंक द्वारा बिना शर्त प्राप्त की गयी है, और

- (2) किसी अन्य मामले में, उतने तक ही रकम जितनी आवश्यक अथवा सम्भव हो, निदिष्ट अनुपातों से नीचे अथवा उन अनुपातों से नीचे जो अधिस्थगन आदेश के प्रभावी होने से पहले लागू थी, इनमें जो भी ऊंचे हों, उक्त मास और प्रतिभूतियों पर मार्जिन के अनुपातों को कम किये बिना।

(सं० एक० 8/1/76-ए० सी०)

एन० के० गुप्ता, धवर सचिव

ORDER

New Delhi, the 9th January, 1976

S.O. 453.—In exercise of the powers conferred by sub-section (2) of section 45, read with clause (2b) of section 56

of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, after considering the application made by the Reserve Bank of India under sub-section (1) of the said section 45, hereby makes an order of moratorium in respect of the Mercantile Co-operative Bank Limited, Jaipur (hereinafter referred to as the Co-operative Bank), for a period from the close of business on the 10 January 1976 upto and inclusive of the 10 March 1976 staying the commencement or continuance of all actions and proceedings against the Co-operative Bank during the period of moratorium, subject to the condition that such stay shall not in any manner prejudice the exercise by the Government of Rajasthan of its powers under the Rajasthan Co-operative Societies Act, 1965 (Rajasthan Act 13 of 1965).

2. The Central Government hereby directs that, during the period of the moratorium granted to it, the Co-operative Bank shall not, without the prior permission in writing of the Reserve Bank of India, grant any loan or advance, incur any liability, make any investment or make or agree to make any payment, whether in discharge of its liabilities or obligations or otherwise, or enter into any compromise or arrangement, except making of payments, or incurring of expenditure, as the case may be, to the extent and in the manner provided hereunder :—

(i) out of the balance in every savings bank or current account or in any other deposit account, by whatever name called, a sum not exceeding the following :—

Deposit amount	Amount payable
UP to Rs. 25	in full
Above Rs. 25	10% of the deposit or Rs. 25 whichever is higher.

Provided that the sum total of the amounts paid in respect of the accounts standing in the name of any one person (and not jointly with that of any other person) does not exceed 10% of total deposit, or Rs. 25 whichever is higher :

Provided further that no amount shall be paid to any depositor who is indebted to the Co-operative Bank in any way;

(ii) the amounts of any drafts or pay orders or cheques issued by the Co-operative Bank and remaining unpaid on the date on which the order of moratorium comes into force;

(iii) the amounts of the bills received for collection on or before the 10 January 1976 whether realised before, on or after that date;

(iv) any expenditure which has necessarily to be incurred in connexion with any suits or appeals filed by or against, or decrees obtained by or against, the Co-operative Bank, or for realising any amounts due to it :

Provided that of the expenditure in respect of each such suit or appeal or decree is in excess of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred; and

(v) any expenditure on any other item in so far as it is in the opinion of the Co-operative Bank necessary for carrying on the day-to-day administration of the Co-operative Bank :

Provided that where the total expenditure on any item in any calendar month exceeds the average monthly expenditure on account of that item during the six calendar months preceding the order of moratorium, or, where no expenditure has been incurred on account of that item during the said period and the expenditure on such item exceeds a sum of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred.

3. The Central Government hereby also directs that, during the period of the moratorium granted to it, the Co-operative Bank—

- (a) may make the following further payments, namely, the amounts necessary for repaying loans or advances granted against Government securities or other securities to the Co-operative Bank by the Government of Rajasthan or the Rajasthan State Co-operative Bank Ltd., or the State Bank of India or any of its subsidiaries or by any other bank and remaining un-paid on the date on which the order of moratorium comes into force;
- (b) may operate its accounts with the Rajasthan State Co-operative Bank Ltd. or with any other bank for the purposes of making the payment aforesaid, provided that nothing in this order shall be deemed to require the Rajasthan State Co-operative Bank Ltd. or such other bank to satisfy itself that the conditions imposed by this order are being observed before any amounts are released in favour of the Co-operative Bank;
- (c) may return any bills which have remained unrealised to the persons entitled to receive them on a request being made in this behalf by such persons, if the Co-operative Bank has no right or title to, or interest in such bills.
- (d) may release or deliver goods or securities which have been pledged, hypothecated or mortgaged or otherwise charged to it against any loan, cash credit or overdraft, in the manner and to the extent—
 - (i) in any case in which full payment towards all the amounts due from the borrower or borrowers, as the case may be, has been received by the Co-operative Bank, unconditionally, and
 - (ii) in any other case, to such an extent as may be necessary or possible, without reducing the proportions of the margins on the said goods or securities below the stipulated proportions, or the proportions which were maintained before the order of moratorium came into force, whichever may be higher.

[No. F. 8-1/76-AC]

H. K. GUHA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग विभाग)

नई दिल्ली, 25 अक्टूबर, 1975

अदेश

क्रा० आ० 454.—केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और प्रपील) नियमावली 1965 के नियम 33 के साथ पठित नियम 9 के उप-नियम (2), नियम 12 के उपनियम (2) की धारा (ख) और नियम 24 के उपनियम (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए राष्ट्रपति ने इसके द्वारा भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग की 28 फरवरी, 1957 की अधिसूचना संख्या एम० आर० ओ० 627 में और संशोधन किया है, अर्थात् :—

नई दिल्ली, 16 जनवरी, 1976

उपर्युक्त अधिसूचना की अनुसूची में—

(क) भाग II सामान्य केन्द्रीय सेवा, तीसरी श्रेणी के अन्तर्गत, शीर्षक "सचिवालय" तथा उसके अन्तर्गत की गयी प्रविष्टियाँ हटा दी जाएंगी ;

(ख) भाग III सामान्य केन्द्रीय सेवा चौथी श्रेणी के अन्तर्गत, शीर्षक "सचिवालय" तथा उसके अन्तर्गत की गयी प्रविष्टियाँ हटा दी जाएंगी ।

[सं० सी० 11012/1/73-विज]

पुरुषोत्तम लाल, उप-सचिव

(Department of Economic Affairs)

New Delhi, the 25th October, 1975

S. O. 454.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 33 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance, Department of Economic Affairs No. SRO 627, dated the 28th February, 1957, namely :—

In the Schedule to the said notification—

(a) in Part II General Central Service, Class III, the heading "Secretariat" and the entries occurring thereunder shall be omitted ;

(b) in Part III General Central Service Class IV, the heading "Secretariat" and the entries occurring thereunder shall be omitted.

[C. 11012/1/73-Vij]

PURSHOTTAM LAL, Dy. Secy.

क्रा० आ० 455.—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के खण्ड (य ख) के साथ पठित धारा 45 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पटना अर्बन को-ऑपरेटिव बैंक लिमिटेड के सम्बन्ध में केन्द्रीय सरकार, वित्त मंत्रालय (बैंकिंग विभाग) के 16 अक्टूबर, 1975 के नृण शोधन स्थगन आदेश सं० एफ० 8-16/75 ए सी में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त आदेश में अंक, अक्षर और शब्द "17 जनवरी 1976" के स्थान पर अंक, अक्षर और शब्द "17 अप्रैल 1976" लिखे जाएंगे ।

[सं० एफ० 8-16/75-ए०सी०]

हृषी केश गुहा, अवर सचिव

(Department of Banking)

ORDER

New Delhi, the 16th January, 1976

S.O. 455.—In exercise of the powers conferred by sub-section (2) of Section 45 read with clause (zb) of Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government hereby makes the following amendment in the Order of Moratorium of the Government of India in the Ministry of Finance (Department of Banking) No. F. 8-16/75-AC dated the 16th October 1975 in respect of the Patna Urban Co-operative Bank Ltd., namely :—

In the said Order, for the figures, letters and word "17 January 1976", the figures, letters and word "17 April 1976" shall be substituted.

[No. F. 8-16/75-AC]

H. K. GUHA, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 4 अक्टूबर, 1975

आय-कर

का. आ. 456.—केन्द्रीय प्रत्यक्ष कर बोर्ड आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए समय-समय पर यथासंशोधित अधिसूचना सं. 679 (फा. सं. 187/2/74-आई टी. (ए. 1) तारीख 20 जुलाई, 1974 में निम्नलिखित संशोधन करता है :—

उससे उपाबद्ध अनुसूची के स्तंभ 3 के नीचे, क्रम सं. 21 धर्मिनाङ्क-5 के सामने, निम्नलिखित जोड़ी जाएगी :

12 विशेष सर्वेक्षण सर्किल, कोयम्बटूर

2. यह अधिसूचना 6 अक्टूबर, 1975 से प्रवृत्त होगी ।

[सं. 1124 फा. सं. 187/2/74 -II (ए 1)]

टी. पी. भुनभुनवाला, सचिव,

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 4th October, 1975

(Income-Tax)

S. O. 456.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its Notification No. 679 F. No. 187/2/74-II (AI) dated the 20th July, 1974 as amended from time to time :—

Against S. No. 21D Tamil Nadu-V, Madras under column 3 of the Schedule appended thereto, the following entry shall be added :

12. Special Survey Circle, Coimbatore.

2. This notification shall come into force on the 6th October, 1975.

[No. F. 187/2/74-II (AI)]

T. P. JHUNJHUNWALA, Secy.

विदेश मंत्रालय

नई दिल्ली, 24 नवम्बर, 1975

का० आ० 457.—राजनयिक एवं कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41) के अनुच्छेद 2 के खंड (क) के अनुसरण में केन्द्र सरकार एतद्वारा भारत का प्रधान कौंसलावास, फ्रैंकफर्ट में सहायक श्री एच० एस० गूमर को तत्काल से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है ।

[मिसिल सं० टी० 4330(2)75]

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 24th, November, 1975

S. O. 457.—In pursuance of clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri H. S. Goomer, Assistant in the Consulate General of India, Frankfurt to perform the duties of a Consular Agent with immediate effect.

[File No. T. 4330(2)/75]

नई दिल्ली, 6 जनवरी, 1976

का० आ० 458.—राजनयिक एवं कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41) के अनुच्छेद 2 के खंड (क) के अनुसरण में केन्द्र सरकार एतद्वारा भारत का सहायक हाई कमिशन, लीवरपूल में सहायक श्री एस० के० दासगुप्ता को तत्काल से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है ।

[फाइल सं० टी० 4330(1)/76]

पी०आर० नम्बिसन, अवर सचिव

New Delhi, the 6th January, 1976

S. O. 458.—In pursuance of clause(a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri S. K. Dasgupta, Assistant in the Assistant High Commission of India, Liverpool to perform the duties of a Consular Agent with immediate effect.

[File No. T. 4330(1)/76]

P. R. NAMBISAN, Under Secy.

(उद्योग तथा नागरिक पूर्ति मंत्रालय)

(औद्योगिक विकास विभाग)

भारतीय मानक संस्था

नई दिल्ली, 18 दिसम्बर, 1975

क्रा० प्रा० 459.—समय समय पर संगोष्ठित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 8 के उपविनियम (1) के अनुसार अधिसूचित किया जाता है कि जिन 36 लाइसेंसों के खोले नीचे अनुसूची में दिए गए हैं, लाइसेंसधारियों को मानक मयबन्धी मुहर लगाने का अधिकार देते हुए जुलाई 1974 में स्वीकृत किए गए हैं:

अनुसूची

क्रम संख्या	लाइसेंस संख्या (सी एम/एल)	श्रेष्ठता की अवधि से	श्रेष्ठता की अवधि तक	लाइसेंसधारी का नाम और पता	लाइसेंस के अधीन वस्तु/प्रक्रिया और तत्संबन्धी पद नाम
(1)	(2)	(3)	(4)	(5)	(6)
1.	सी एम/एल-3867 1-7-1974	1-7-1974	30-6-1975	यूनिवर्सल पैट्रो-कैमिकल प्रा० लि०, माउथ ब्रायल इंस्टालेशन रोड, पट्टाड़पुर कलकत्ता-43 (प० बंगाल) (कार्यालय: 138 बिप्लवी राय विहार बसु रोड, कलकत्ता-1 (प० बंगाल))	ट्रांसफार्मरों और स्विचगियर के लिए तय रोधन तेल— IS : 335-1972
2.	सी एम/एल-3868 3-7-1974	16-7-1974	15-7-1975	हिम्मत स्टील फाउंड्री (प्रा०) लि०, नेशनल हाईवे संख्या 6, कुम्हारी डाकघर जिला दुर्ग (म०प्र०)	ओस्टिनाइटी मंगनीज इस्पात की वली वस्तुएं— IS : 276-1969
3.	सी एम/एल-3869 3-7-1974	16-7-1974	15-7-1975	दि जनरल इंडस्ट्रियल सोसाइटी लि०, गोंदलपुर, जिला हुगली प० बंगाल कार्यालय : 8 इंडियन एक्स्पोजे ग्लेस कलकत्ता	बाजू वाले लोहे के मल पाइप, साइज 50 मिमी 75 मिमी, 100 मिमी और 150 मिमी IS : 1729-1964
4.	सी एम/एल-3870 3-7-1974	16-7-1974	15-7-1975	माइन सेफ्टी एप्लाइड लि०, 6, हाथी बागान रोड, कलकत्ता-14 (प० बंगाल) (कार्यालय : 9, सैयद अमीर अली एवेन्यू कलकत्ता-17 (प० बंगाल))	खनिकों के टोपी लैम्प— IS : 5679-1970
5.	सी एम/एल-3871 3-7-1974	1-2-1974	31-1-1975	बर्न एण्ड कम्पनी लिमिटेड हावड़ा ब्रायरन बर्न, 20/21/22 नित्यधन सुथर्जी रोड, हावड़ा कार्यालय : 12 मिशन रो, कलकत्ता-1	जलकल कार्यों के लिए स्लूस वाल्व 50 मिमी से 300 मिमी साइज, थणी-1 IS : 780-1969
6.	सी एम/एल-3872 3-7-1974	16-7-1974	15-7-1975	फिटिंग्स (इंडिया) 22 बी, राजेन्द्र मलिक स्ट्रीट, कलकत्ता-7, कार्यालय 161/1 महात्मा गांधी रोड, कमरा संख्या 63, तीसरी मंजिल कलकत्ता-7	बाय की पेटियों के लिए धातु के फिटिंग— IS : 10-1970
7.	सी एम/एल-3873 3-7-1974	16-7-1974	15-7-1975	निलसित कार्बोनिक् मैन्फ० कं० प्रा० लि०, 26/बी, बत्वा इंडस्ट्रियल टाउनशिप, बत्वा, जिला अहमदाबाद	टाइप राइटर के कार्बन कागज टाइप 2— IS : 1551-1959
8.	सी एम/एल-3874 4-7-1974	16-7-1974	15-7-1975	दि कैरो कंसीट कम्पनी ऑफ इंडिया (स्टील) इंडस्ट्रियल इस्टेट, गोकुल रोड, हुयली-21 (कर्नाटक)	संरचना इस्पात (मानक किस्म) IS : 226-1969

(1)	(2)	(3)	(4)	(5)	(6)
9. सी एम/एल-3875 4-7-1974	16-7-1974	15-7-1975	"	संरचना इस्पात (साधारण किस्म)--- IS : 1977-1969	
10. सी एम/एल-3876 15-7-1974	16-7-1974	15-7-1975	अंकार इंडस्ट्रीज प्रा० लि० जैमोर रोड, डाकघर मधुसाम, 24 परगना, कार्यालय 16/1 गणेशचन्द्र एवेन्यू, कलकत्ता-700013	एन्ड्रोन पायसनीय तेज द्रव--- IS : 1310-1958	
11. सी एम/एल-3877 15-7-1974	16-7-1974	15-7-1975	टाटा कैमिकल्स लि०, सीठापुर (पश्चिम रेलवे) ओखामंडल, गुजरात कार्यालय : बम्बई हाउस हॉमी मोदी स्ट्रीट, फोर्ट, बम्बई-400001	डी एच सी तकनीकी--- IS : 560-1969	
12. सी एम/एल-3878 15-7-1974	16-7-1974	15-7-1975	ओरियन इंडस्ट्रीज एण्ड कैमिकल्स, 551/1 मोगापेरी (बरास्ता) पाथी मक्षास- 600050	डी एच सी धूलन पाउडर--- IS : 561-1962	
13. सी एम/एल-3879 15-7-1974	16-7-1974	15-7-1975	बाटा इंडिया लि०, बाटा नगर, पुनिय स्टेशन महेशतल्ला जिला 24 परगना (प० बंगाल)	खानकों के बचाव के लिए रबड़ कैमकस के बूट IS : 3976-1967	
14. सी एम/एल-3880 15-7-1974	16-7-1974	15-7-1975	हिल्टन रबड़ प्रा० लि०, 40 वां मील, जी०टी० रोड, गांधी तथा डाकघर राई, जिला सोनीपत (हरियाणा)	रबड़ के संभारण पट्टे केवल सफेद कपड़े वाले--- (1) हिल्टन सुपर (2) हर्कुलीज सुपर (3) पायलट सुपर 970 किरा/मी२ भार के कपड़े वाले--- IS : 1370-1965	
15. सी एम/एल-3881 15-7-1974	16-7-1974	15-7-1975	कर्नाटक कैमिकल इंडस्ट्रीज कार्पोरेशन फंक्शनल इंडस्ट्रियल इस्टेट, गीन्या, बंगलोर	ताम्र सल्फेट तकनीकी--- IS : 261-1966	
16. सी एम/एल-3882 15-7-1974	16-7-1974	15-7-1975	नार्दन इंडिया प्लास्टिक्स, 12/13 मील, विल्ली मथुरा रोड, फरीदाबाद	ठोस लकड़ी के समतल कपाट (ब्लॉक बोर्ड मध्य भाग वाले)--- IS : 2202(भाग 1)--1973	
17. सी एम/एल-3883 15-7-1974	16-7-1974	15-7-1975	क्राफ्टेल्स प्रॉडक्ट्स प्रा० लि०, पी-31-1, उ०प्र० स्टेट इंडस्ट्रियल एरिया, मेरठ रोड, गाजियाबाद	मालाथियोन पायसनीय तेज द्रव--- IS : 2567-1963	
18. सी एम/एल-3884 15-7-1974	16-7-1974	15-7-1975	प्रकाश पुल्वराइजिंग मिल्स, इंडस्ट्रियल एरिया अलवर (राजस्थान)	मालाथियोन पायसनीय तेज द्रव--- IS : 2567-1963	
19. सी एम/एल-3885 16-7-1974	16-7-1974	15-7-1975	रेली कैमिकल्स लि०, मगरबाड़ा जिला, उन्नाव, (उ०प्र०)	आयसोथोएट पायसनीय तेज द्रव (केवल पुनः भरार्ई के लिए) IS : 3903-1966	
20. सी एम/एल-3886 19-7-1974	1-8-1974	31-7-1975	ऐलन इंडस्ट्रीज, डलने तोटम रोड, पीनुमेट्टु डाकघर कोयम्बटूर-4 (तमिलनाडु)	हीन फेंडी प्रेरण मोटर 2.2 किवा (3 हापा) 'ए' श्रेणी के रोधन लगी--- IS : 325 : 1970	
21. सी एम/एल-3887 25-7-1974	1-8-1974	31-7-1975	जे०के० आपरस एण्ड स्टील कं० लि० कालपी रोड, कानपुर-7	संरचना इस्पात (मानक किस्म) (1) 14 मिमी व्यास और 28 मिमी से ऊपर के व्यास वाले गोले और नम्य सेवधान जिनकी आड़ी काट प्रलेख एस टी आई/226/आर-2/5 अक्टू० 1973 के अनुसार 14 मिमी व्यास वाले गोलों से कम अधिकता बराबर हो।	

(1)	(2)	(3)	(4)	(5)	(6)
					(2) 14 मिमी व्यास और 28 मिमी से कम व्यास वाले गोले और अन्य सेक्शन जिनकी ग्राड़ी काट प्रलेख एस टी आई/220/भार-2/5 प्रकट० 1973 के प्रनुरूप ऊपर (1) के अधीन नहीं आती। IS : 226-1969 संरचना इस्पात (साधारण किस्म)--- (1) 14 मिमी व्यास और 28 मिमी से ऊपर के व्यास वाले गोले, और अन्य सेक्शन जिनकी ग्राड़ी काट प्रलेख एस टी आई/1977/भार-1/4 प्रकट० 1973 के प्रनुरूप 14 मिमी व्यास वाले गोलों से कम प्रथवा परावर हो। (2) 14 मिमी व्यास और 28 मिमी से कम व्यास वाले गोले और अन्य सेक्शन जिनकी ग्राड़ी काट प्रलेख एस टी आई/1977/भार-215 प्रकट० 1973 के प्रनुरूप ऊपर (1) के अधीन नहीं आती। IS : 1977-1969
22. सी एम/एल-3889 25-7-1974	1-8-1974	31-7-1975			संरचना इस्पात (साधारण किस्म)--- (1) 14 मिमी व्यास और 28 मिमी से ऊपर के व्यास वाले गोले, और अन्य सेक्शन जिनकी ग्राड़ी काट प्रलेख एस टी आई/1977/भार-1/4 प्रकट० 1973 के प्रनुरूप 14 मिमी व्यास वाले गोलों से कम प्रथवा परावर हो। (2) 14 मिमी व्यास और 28 मिमी से कम व्यास वाले गोले और अन्य सेक्शन जिनकी ग्राड़ी काट प्रलेख एस टी आई/1977/भार-215 प्रकट० 1973 के प्रनुरूप ऊपर (1) के अधीन नहीं आती। IS : 1977-1969
23. सी एम/एल-3889 25-7-1974	1-8-1974	31-7-1975	बाल सुबमय्यम फाउंडरी, 166, पटेल रोड, कोयम्बतूर-9 (तमिलनाडु)	तीन फेजी प्रेरण मोटर 2.2 किवा (3 हा० पा) 'ए' श्रेणी के रोधन लगी— IS : 325-1970	
24. सी एम/एल-3890 25-7-1974	1-8-1974	31-7-1975	वि हैदराबाद आल्फिन मेटल वर्क्स लि०, सनत नगर, हैदराबाद-18	घरेलू रेफ्रिजरेटर माडल	ग्राही आयतन
				आल्फिन स्नो (140 पर)	140 लिटर
				आल्फिन स्कीन (200 पर)	200 लिटर
				IS : 1476-1971	
25. सी एम/एल-3891 25-7-1974	1-8-1974	31-7-1975	गवर्नमेंट सोप फैक्टरी, बंगलोर, इंडस्ट्रियल सबर्ब, राजाजी नगर, बंगलोर	धुलाई साबुन, टाइप 3 ग्रेड-1 IS : 285-1964	
26. सी एम/एल-3892 25-7-1974	1-8-1974	31-7-1975	कृष्णम मेटल इंडस्ट्रीज 300, रायबहादुर रोड, न्यू प्रलीपुर, कलकत्ता-53	चाय की पेटियों के लिए धातु के फिटिंग— IS : 10-1970	
27. सी एम/एल-3893 25-7-1974	1-8-1974	31-7-1975	हिन्दू मेटल एण्ड एलाइड इंडस्ट्रीज 25, बी एक इंडस्ट्रियल एरिया बटाला ('जाब')	पीतल के गोले नुमा वाल्व (स्लेजर नुमा) केवल 15 मिमी साइज के— IS : 1703-1968	
28. सी एम/एल-3894 25-7-1974	1-8-1974	31-7-1975	पेन्स स्टील्स लिमिटेड, डाकघर ग्राहगंज, जिला हुगली (प० बंगाल), कार्यालय : 41 औरंगी रोड, कलकत्ता-700016	संरचना इस्पात (मानक किस्म) के रूप में पुनः वेल्ड के लिए कार्बन इस्पात के डबल बिसेट की सिलियर्स— IS : 6914-1973	
29. सी एम/एल-3895 25-7-1974	1-8-1974	31-7-1975		संरचना इस्पात (साधारण किस्म) के रूप में पुनः वेल्ड के लिए कार्बन इस्पात के डबल बिसेट की सिलियर्स— IS : 6915-1973	

(1)	(2)	(3)	(4)	(5)	(6)
30. सी एम/एल-3896 26-7-1974	1-8-1974	31-7-1975	जवाहर इंजीनियरिंग प्रा० लि०, जवाहर इस्टेट, संगमोर रोड, श्रीरामपुर, जिला भद्रमव नगर कार्यालय : गीता भवन, शिवाजी रोड, डाकघर श्रीरामपुर, जिला भद्रमव नगर	निम्न रेटिंग वाले खड़ी प्रकार के डीजल इंजन :- किघा चक्कर प्रति टाइप मिनट 3.67 1500 टी ग्रा (5 हा पा) IS : 1601-1960	
31. सी एम/एल-3897 26-7-1974	1-8-1974	31-7-1975	यूनाइटेड इंजीनियरिंग कम्पनी, 241, रायबहादुर रोड, चंडीतल्ला, कलकत्ता-53	चाय की पेटियों के लिए धातु के फिटिंग— IS : 10-1970	
32. सी एम/एल-3898 26-7-1974	1-8-1974	31-7-1975	यूनिवर्सल केबल्स लि०, डाकघर बिड़ला कालोनी सतना (मध्य प्रदेश)	कोयला खानों में उपयोग के लिए रजक रोधित लकड़ीसे ट्रेसिंग केबल— IS : 693-1966	
33. सी एम/एल-3899 26-7-1974	1-8-1974	31-7-1975	कृष्णवैणी इंक फैक्टरी, 292, तिरुवोति-यूर हाई रोड, मद्रास-81	कागज पिपकाने के गोब पदार्थ कार्यालयों में प्रयुक्त जेप पदार्थ टाइप-बी— IS : 2258-1970	
34. सी एम/एल-3900 26-7-1974	1-8-1974	31-7-1975	रेडियंट इंजीनियरिंग कम्पनी, बी-2 इंडस्ट्रियल इस्टेट, सनसनगर, हैदराबाद (आ०प्र०)	पी वी सी रोधित केबल, खाल वाले और बिना खोल वाले 250/440 बोर्ड ग्रेड एल्यूमीनियम खालकों वाले— IS : 694- (भाग 2, 1964)	
35. सी एम/एल-3901 26-7-1974	1-8-1974	31-7-1975	वि ग्रशोक बिस्कुट वर्क्स, 2-3-745, ग्रम्बरपेट हैदराबाद : कार्यालय : 2.1.324 काशीगुडी, हैदराबाद	बिस्कुट — IS : 1011-1968	
36. सी एम/एल-3902 26-7-1974	1-8-1974	31-7-1975	टिम्बर एण्ड प्लाईवुड कं० लि०, 1, निमक महल रोड, खिरीपुर, कलकत्ता, कार्यालय : 4, टेम्पल स्ट्रीट, कलकत्ता-700013	चाय की पेटियों के लिए धातु के फिटिंग— IS : 10-1970	
37. सी एम/एल-4903 26-7-1974	1-8-1974	31-7-1975	वि एल्यूमीनियम इंडस्ट्रीज लि०, संख्या 1, सिरैमिक फैक्टरी रोड, कुंडारा (केरल राज्य)	कंक्रीट के लिए प्रतिबल ठंडी खिंची प्रबलन रहित तार— IS : 1785 (भाग 1)—1966	
38. सी एम/एल-3904 26-7-1974	1-8-1974	31-7-1975	„	पूर्व प्रबलित कंक्रीट के लिए खांचदार तार— IS : 6003-1970	

[सं० सी०एम०बी०/13 : 11]

MINISTRY OF INDUSTRY AND CIVIL SUPPLIES

(DEPARTMENT OF INDUSTRIAL DEVELOPMENT)

Indian Standards Institution

New Delhi, the 18 December, 1975

S.O. 459.—In pursuance of sub-regulation (1) of Regulation of 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution, hereby, notifies that thirtyeight licences, particulars of which are given in the following Schedule, have been granted during the month of July 1974 authorizing the licensees to use the Standard Marks:

SCHEDULE

Sl No.	Licence No. (CM/L)	Period of Validity		Name and Address of the Licensee	Article/Process Covered by the Licences and the Relevant IS: Designation
		From	To		
1	2	3	4	5	6
1.	CM/L-3867 1-7-1974	1-7-1974	30-6-1975	Universal Petro-chemical Pvt. Ltd., South Oil Installation Road, Paharpur, Calcutta-43 (West Bengal) [Office : 138, Biplabi Roshbehari Basu Road, Calcutta-1 (West Bengal)]	New insulating oils for transformers and switchgear— IS : 335—1972
2.	CM/L-3868 3-7-1974	16-7-1974	15-7-1975	Himmat Steel Foundry (P) Ltd., National Highway No. 6, Kumhari P.O. Distt. Durg (M.P.)	Austenitic manganese steel castings— IS : 276—1969
3.	CM/L-3869 3-7-1974	16-7-1974	15-7-1975	The General Industrial Society Ltd., Gondal-pore, Distt. Hooghly, West Bengal (Office : 8, Indian Exchange place, Calcutta)	Sand cast iron soil pipes size : 50 mm, 75mm, 100 mm and 150mm— IS : 1729—1964
4.	CM/L-3870 3-7-1974	16-7-1974	15-7-1975	Mine Safety Appliances Ltd., 6, Hatibagan Road, Calcutta-14 (West Bengal) [Office : 9 Syed Amir Ali Avenue, Calcutta-17 (West Bengal)]	Miners' cap lamps— IS : 5679—1970
5.	CM/L-3871 3-7-1974	1-2-1974	31-1-1975	Burn & Co. Limited, Howrah Iron Works, 20-21/22, Nityadhane Mukherjee Road, Howrah (Office : 12 Mission Row, Calcutta-1)	Sluice valves for water works purposes, 50mm to 300 mm sizes class 1— IS : 780—1969
6.	CM/L-3872 3-7-1974	16-7-1974	15-7-1975	Fitex (India), 22B, Rajendra Mullick St., Calcutta-7 (Office : 161/1, Mahatma Gandhi Road, Room No. 63, 3rd Floor, Calcutta-7)	Tea-chest metal fittings— IS : 10—1970
7.	CM/L-3873 3-7-1974	16-7-1974	15-7-1975	Nilsin Carbonik Manufacturing Co. Pvt. Ltd., 26/B Vatva Industrial Township, Vatva Distt. Ahmedabad	Carbon paper for typewriter type II— IS : 1551—1959
8.	CM/L-3874 4-7-1974	16-7-1974	15-7-1975	The Ferror Concrete Co of India, (Steels) Industrial Estate, Gokul Road, Hubli-21 (Karnataka)	Structural steel (standard quality)— IS : 226—1969
9.	CM/L-3875 4-7-1974	16-7-1974	15-7-1975	-do-	Structural steel (ordinary quality)— IS : 1977—1969
10.	CM/L-3876 15-7-1974	16-7-1974	15-7-1975	Ankar Industries Pvt. Ltd., Jessore Road, P. O. Madhyagram, 24 Parganas (Office : 16/1, Ganesh Chandra Avenue, Calcutta-700013)	Endrin emulsifiable concentrates— IS : 1310—1959
11.	CM/L-3877 15-7-1974	16-7-1974	15-7-1975	Tata Chemicals Ltd., Mithapur (W. Rly) Hamandal, Gujrat (Office: Bombay house, Homi Mody Street, Fort, Bombay-400001)	BHC technical— IS : 560—1969
12.	CM/L-3878 15-7-1974	16-7-1974	15-7-1975	Vorion Industries & Chemicals, 551/1 Mogaperi, (Via) Padi Madras-600050	BHC dusting powders— IS : 561—1962
13.	CM/L-3879 15-7-1974	16-7-1974	15-7-1975	Bata India Limited, Batanagar, P.S. Maheshatala, Distt. 24 parganas (West Bengal)	Safety rubber canvas boots miners— IS : 3976-1967
14.	CM/L-3880 15-7-1974	16-7-1974	15-7-1975	Hilton Rubber Pvt. Ltd., 40th MM Stone, G. T. Road, Village and P.O. Rai, Distt. Sonapat (Haryana)	Rubber transmission belting, hard type of fabric only (i) HILTON SUPER (ii) HERCULES SUPER (iii) PILOT SUPER using fabric of 970 gms/M2 weight— IS : 1370—1965
15.	CM/L-3881 15-7-1974	16-7-1974	15-7-1975	Karnataka Chemical Industries Corporation, Functional Industrial Estate, Peenya, Bangalore	Copper sulphate technical— IS : 261—1966
16.	CM/L-3882 15-7-1975	16-7-1974	15-7-1975	Northern India Plywoods, Milestone 12/13 Delhi Mathura Road, Faridabad	Solid core wooden flush door shutters (block board core)— IS : 2202 (part I)—1973

1	2	3	4	5	6						
17. CM/L-3883 15-7-1974	16-7-1974	15-7-1975	Corp Health Products Pvt. Ltd., B-31-1 U.P. State Industrial Area, Meerut, Road, Ghaziabad	Malathion emulsifiable concentrates— IS : 2567—1963							
18. CM/L-3884 15-7-1974	16-7-1974	15-7-1975	Prakash Pulverising Mills, Industrial Area, Alwar (Rajasthan)	Malathion emulsifiable concentrates— IS : 2567—1963							
19. CM/L-3885 16-7-1974	16-7-1974	15-7-1975	Ralli Chemicals Ltd., Magarwara, District Unnao (U.P.)	Dimethoate emulsifiable concentrates (repacking only)— IS : 3903—1966							
20. CM/L-3886 19-7-1974	1-8-1974	31-7-1975	Ellen Industries, Ellai Thottam Road, Peela medu P.O., Coimbatore-4 (Tamil Nadu)	Three-phase induction motors 2.2 KW (3 HP) with class 'A' insulation— IS : 325—1970							
21. CM/L-3887 25-7-74	1-8-1974	31-7-1975	J.K. Iron & Steel Co. Ltd., Kalpi Road, Kanpur-7	Structural steel (standard quality) (i) Rounds of size up to 14 mm dia 28 mm and above dia and other sections of cross section less than or equivalent to 14 mm dia rounds as per Doc : STI/266/R-1/5, Oct. 1973 (ii) Rounds of size above 14 mm dia, and below 28 mm dia and other sections not covered under (i) above as per Doc: STI/226/R-2/5, Oct. 1973 IS : 226—1969							
22. CM/L-3888 25-7-1974	1-8-1974	31-7-1975		Structural steel (ordinary quality) Rounds (i) of sizes up to 14 mm dia, 28 mm and above dia and other sections of cross section less than or equivalent to 14 mm dia rounds as per Doc : STI—1977/R-1/4 Oct 1973 (ii) Rounds of sizes above 14 mm dia and below 28 mm and other sections not covered under (i) above as per Doc: STI—1977/R-2/5 October 1973— IS : 1977—1969							
23. CM/L-3889 25-7-1974	1-8-1974	31-7-1975	Balasubramania Foundry, 166, Patel Road, Coimbatore-9 (Tamil Nadu)	Three-phase induction motors, 2.2 KW (3 HP) with class 'A' insulation— IS : 325—1970							
24. CM/L-2390 25-7-1974	1-8-1974	31-7-1975	The Hyderabad Alwyn Metal works Ltd., Sanatnagar, Hyderabad-18	Domestic Refrigerators Model Cross Volume Alwyn Snow (at 140) 140 litres Alwyn Queen (at 200) 200 litres IS : 1476—1971							
25. CM/L-3891 25-7-1974	1-8-1974	31-7-1975	Govt. Soap Factory, Bangalore Industrial Suburb, Rajajinagar, Bangalore	Laundry Soap, Type III Grade I IS : 285—1964							
26. CM/L-3892 25-7-1974	1-8-1974	31-7-1975	Krishana Metal Industries, 300 Rai Bahadur Road, New Alipore, Calcutta-53	Tea-chest metal fittings— IS : 10—1970							
27. CM/L-3893 25-7-1974	1-8-1974	31-7-1975	Hind Metal & Allied Industries, 25 BF Industrial Area, Batala (Punjab)	Brass ball valves (horizontal plunger type size 15 mm only— IS : 1703—1968							
28. CM/L-3894 25-7-1974	1-8-1974	31-7-1975	Pench Steels Limited, P.O. Sahagunj, Distt Hooghly (West Bengal) Office: 41 Choringhee Road, Calcutta-700016)	Carbon steel cast billet ingots for rolling into structural steel (standard quality)— IS : 6914—1973							
29. CM/L-3895 25-7-1974	1-8-1974	31-7-1975	-do-	Carbon steel cast billet ingots for rolling into structural steel (ordinary quality)— IS : 6915—1973							
30. CM/L-3896 26-7-1974	1-8-1974	31-7-1975	Javahar Engineering Pvt. Ltd., Javahar Estate, Sangammer Road, Shrirampur Distt Ahmednagar (Office: Geeta Bhavan Shivaji Road P.O. Shrirampur, Distt Ahmednagar)	Verticle diesel engines of the following rating: <table><tr><th>KW</th><th>RPM—</th><th>Type</th></tr><tr><td>3.67 (5 HP)</td><td>1500</td><td>TR</td></tr></table> IS : 1601—1960	KW	RPM—	Type	3.67 (5 HP)	1500	TR	
KW	RPM—	Type									
3.67 (5 HP)	1500	TR									
31. CM/L-3897	1-8-1974	31-7-1975	Unlted Engineering Co., 241, Roy Bahadur	Tea-chest metal fittings—							

1	2	3	4	5	6
26-7-1974 32. CM/L-3898 26-7-1974	1-8-1974	31-7-1975	Road, Chanditolla, Calcutta-53 Universal Cables Ltd., P.O. Birla Colony, Satna (Madhya Pradesh)	IS : 10—1970 Rubber insulated flexible trailing cables for use in coal mines— IS : 691—1966	
33. CM/L-3899 26-7-1974	1-8-1974	31-7-1975	Krishnaveni Ink Factory, 292, Tiruvotti- yur High Road, Madras-81	Paper adhesiva, office paste type B— IS : 2257—1970	
34. CM/L-3900 26-7-1974	1-8-1974	31-7-1975	Radiant Engineering Co, B-2 Industrial Estate, Sanatnagar, Hyderabad (A.P.)	PVC insulated cables, sheathed and un- sheathed, 250/440 volts grade with aluminium Conductors— IS : 694(Part II)—1964	
35. CM/L-3901 26-7-1974	1-8-1974	31-7-1975	The Asoka Biscuits Works, 2-3-745, Amber- pet, Hyderabad (Office 3-1-324 Kachi- guda, Hyderabad)	Biscuits— IS : 1011-1968	
36. CM/L-3902 26-7-1974	1-8-1974	31-7-1975	Timber and plywood Co. Ltd., 1 Nimak Mehal Road, Khidderpore, Calcutta (Office: 4 Temple Street, Calcutta- 700013)	Tea-chest metal fittings— IS: 10—1970	
37. CM/L-3903 26-7-1974	1-8-1974	31-7-1975	The Aluminium Industries Ltd., No. 1, Ceramic factory Road, Kundara (Kerala State)	Cold drawn stress-relieved wire for pre- stressed concrete— IS : 1785 (Part I)—1966	
38. CM/L-3804 26-7-1974	1-8-1974	31-7-1975	—do—	Indented wire for prestressed concrete— IS : 6003—1970	

[No. C M D/13:11]

क्र० प्र० 460.— समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन बिन्ह) विनियम 1955 के विनियम 8 के उपविनियम (I) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि नीचे अनुसूची में दिए गए 187 लाइसेंस का नवीकरण जून 1974 में किया गया है :

अनुसूची

क्रम संख्या	लाइसेंस संख्या और तारीख	वैधता की अवधि से	लाइसेंसधारी का नाम और पता	लाइसेंसधारी के अधीन वस्तु/प्रक्रिया और तत्संबंधी : पदनाम
1	2	3	4	5
1. सी एम/एल-9 11-6-1956	16-6-1974	15-6-1975	जीवन लाल (1929) लि०, श्री गणेश्वर एलुमीनियम वर्क्स, संख्या 1, सिंगारा गार्डन चौथी लेन, बाजार मेमोट, मद्रास ।	पिटवा एलुमीनियम के बर्तन— IS : 21—1959
2. सी एम/एल-11 11-6-1956	16-5-1974	15-6-1975	जीवनलाल (1929) लि०, फाउन एलु- मिनियम वर्क्स 95, ग्रांड ट्रंक रोड, आकषर बैलूरमठ (जिला हावड़ा) ।	(1) पिटवा एलुमीनियम के बर्तन ग्रेड : एस आई सी : अनोडीकृत एस आई सी अनोडीकृत और एन एस 3 अनोडी- कृत— IS : 21—1959 (2) पिटवा एलुमीनियम के बर्तन ग्रेड : एस आई बी, अनोडीकृत, एस आई सी अनोडीकृत और एन एस 3 अनोडी- कृत— IS : 1868—1968
3. सी एम/एल-171 11-3-1960	1-4-1974	31-3-1975	पि विटैविया बिस्कुट कं० लि०, रे रोड, पूर्व माधगांव, बम्बई ।	बिस्कुट— IS : 1011—1968

1	2	3	4	5	6
4. सी एम/एल-172 11-3-1960	1-4-1974	31-3-1975	पार्ले प्रॉडक्ट्स प्राइवेट नार्थ लेबल क्रॉसिंग बिले पार्ले, बम्बई-24।	बिस्कुट— IS : 1011-1968	
5. सी एम/एल-174 11-3-1960	1-4-1974	31-3-1975	दि साठे बिस्कुट एण्ड चाकलेट कं. लि. 820, भवानी पेठ, पुना।	बिस्कुट— IS : 1011-1968	
6. सी एम/एल-241 21-9-1960	1-4-1974	31-3-1975	भारत पुस्कराईजिंग मिल्स प्रा० लि०, विषपोखली, त्रासलेन बायकुला, बम्बई-8।	बी एच सी जल विसर्जनीय धूलन पाउडर— IS : 582-1962	
7. सी एम/एल-288 28-9-1961	16-4-1974	15-4-1975	डा० राइटर्स चाकलेट एण्ड कैंनिंग कं० भवानी शंकर रोड, वावर, बम्बई।	मैकरोनी स्पाघेटी और सेवई (बर्मिसेल्ली) IS : 1485-1959	
8. सी एम/एल-293 28-4-1961	16-5-1974	15-5-1975	बर्मा शील धायल स्टोरेज एण्ड डिस्ट्री- ब्यूटिंग, कम्पनी प्रा० लि० इंडिया लि०, बर्माशील हाउस, बैलर्ड हस्टेट, बम्बई-1।	एन्ड्रिन पायसनीय तेज द्रव— IS : 1310-1958	
9. सी एम/एल-296 28-4-1961	16-5-1974	15-5-1975	इंडियन रेफ्रिजरेट लिमिटेड, उद्योग मण्डल, डकथर अस्थाय (केरल)।	ट्राइसोडियम कार्बोनेट— IS : 573-1964	
10. सी एम/एल-300 26-4-1961	16-5-1974	15-5-1975	न्यू दिग्गज टिन फैक्टरी, ग्रेन मार्केट, जामनगर (गुजरात)।	18 लिटर समई वाले वर्गाकार टिन— IS : 916-1966	
11. सी एम/एल-302 25-5-1961	1-4-1974	31-8-1974	नेशनल प्लाईवुड इंडस्ट्रीज, 6 गौराड़ा सरकार रोड, कलकत्ता-4।	चाय की पेटियों के लिए प्लाईवुड के तख्ते— IS : 10-1970	
12. सी एम/एल-363 30-11-1961	16-6-1974	15-6-1975	नील्कान् प्राइवेट लि०, जे०बी० नगर, भधेरी कुरला, रोड, सेपरे, निकट वजीर ग्लास वर्क्स, बम्बई-59।	तीन फेजी प्रेरण मोटर— (1) 7.5 किवा (10 हापा) (ए) श्रेणी के रोधन लगी, (2) 0.75 किवा (1 हा पा) और 2.2 किवा (3 हापा) 'इ' श्रेणी के रोधन लगी— IS : 326-1970	
13. सी एम/एल-381 9-2-1962	1-6-1974	31-5-1975	पेस्टीसाइड्स इंडिया उदयसागर रोड, उदयपुर (राजस्थान)।	बी एच सी धूलन पाउडर— IS : 561-1962	
14. सी एम/एल-385 14-2-1962	16-2-1974	15-2-1975	प्रसम सॉ मिल्स एण्ड टिम्बर कं० लि०, 62, बालीगंज सकुलर रोड, (1, रेमे पार्क) कलकत्ता-19।	चाय की पेटियों के लिए प्लाईवुड के तख्ते— IS : 10-1970	
15. सी एम/एल-391 20-3-1962	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, बुर्गापुर इस्पात संयंत्र, डाकघर बुर्गापुर-3 जिला बर्दवान।	संरचना इस्पात (मानक किस्म)— IS : 226-1969	
16. सी एम/एल-392 20-3-1962	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, बुर्गापुर इस्पात संयंत्र, डाकघर बुर्गापुर-3 जिला बर्दवान।	कंकीट प्रचलन के लिए मुकु इस्पात और मध्यम तनाव इस्पात की सरिया— IS : 432 (भाग 1)—1966	
17. सी एम/एल-393 20-3-1962	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, बुर्गापुर इस्पात संयंत्र, डाकघर बुर्गापुर-3 जिला बर्दवान।	संरचना इस्पात (उच्च तनाव वाला)— IS : 961-1962	
18. सी एम/एल-396 20-3-1962	1-3-1974	31-3-1975	हिन्दुस्तान स्टील लि०, भिलाई इस्पात कारखाना डाकघर भिलाई-1 जिला बुर्गा (म०प्र०)।	संरचना इस्पात (मानक किस्म)— IS : 226-1969	

(1)	(2)	(3)	(4)	(5)	(6)
19. सी०एम/एल-397 20-2-1962	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, भिलाई इस्पात कारखाना, डाकघर भिलाई-1 जिला दुर्ग (म०प्र०)	कंक्रीट प्रबलन के लिए मृदु इस्पात और मध्यम तनाव इस्पात की सरिया— IS : 432 (भाग 1)—1966	
20. सी एम/एल-398 20-3-1952	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, भिलाई इस्पात कारखाना, डाकघर भिलाई-1 जिला दुर्ग (म०प्र०)	संरचना इस्पात (उच्च तनाव वाला)— IS : 961-1962	
21. सी एम/एल-399 20-3-1962	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, भिलाई इस्पात कारखाना, डाकघर भिलाई-1 जिला दुर्ग (म०प्र०)	संरचना कार्यों के लिए रिबेट की छड़ें IS : 1148-1973	
22. सी एम/एल-400 20-3-1962	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, भिलाई इस्पात कारखाना, डाकघर भिलाई-1 जिला दुर्ग (म०प्र०)	संरचना कार्यों के लिए उच्च तनाव रिबेट की छड़ें— IS : 1149-1973	
23. सी एम/एल-517 23-3-1963	1-5-1974	30-4-1975	यथलकर इंसेप्टीसाइड्स एण्ड कैमिकल्स, फैक्टरी ग्रेड संख्या 20, इंडस्ट्रियल इस्टेट, काम्पटी रोड, नागपुर-4	बी एच सी बूलन पाउडर— IS : 561-1962	
24. सी एम/एल-52 19-4-1963	16-5-1974	15-11-1974	जयपुर मेज प्रॉडक्ट्स कं० जोतबाड़ा, जयपुर पश्चिम	डब्ल्यू सी और मूबालयों में लगने वाली उच्च लेबल, नीचे से चौड़ी 12.5 मिटर समाई वाली प्लस की टंकियां— IS : 774-1971	
25. सी एम/एल-575 30-8-1963	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, भिलाई इस्पात कारखाना, डाकघर भिलाई, जिला दुर्ग (म०प्र०)	संरचना इस्पात (गलन बैलिडिंग किस्म)— IS : 2062-1969	
26. सी एम/एल-576 30-8-1963	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, दुर्गापुर इस्पात कारखाना डाकघर दुर्गापुर-3 जिला बर्दवान	संरचना इस्पात (गलन बैलिडिंग किस्म)— IS : 2062-1969	
27. सी एम/एल-596 30-10-1963	1-6-1974	31-5-1975	पेस्टीसाइड्स इंडिया, उदय सागर रोड, उदयपुर (राजस्थान)	बी डी टी जल विसर्जनीय तेज पूर्ण— IS : 565-1961	
28. सी एम/एल-598 7-11-1963	1-6-1974	31-5-1975	स्काईटोन इंजिनेरिंग (इंडिया) 43, इंडस्ट्रियल एरिया, फरीदाबाद (हरियाणा)	पी बी सी रोधित और पी बी सी खोल वाले केबल, 250/440 और 650/1100 बोल्ड ग्रैट— IS : 694 (भाग 1 और 2)—1974	
29. सी एम/एल-608 11-12-1963	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, भिलाई इस्पात कारखाना, डाकघर भिलाई-1 जिला दुर्ग (म०प्र०)	संरचना इस्पात (साधारण किस्म)— IS : 1977-1969	
30. सी एम/एल-619 10-1-1964	1-6-1974	31-5-1975	वि इंडियन ट्यूब कं० (इंडिया) लि०, जमशेदपुर (बिहार)	मृदु इस्पात की नलियां— IS : 1239 (भाग 1)—1968	
31. सी एम/एल-621 22-1-1964	1-6-1974	31-5-1975	पेस्टीसाइड्स इंडिया, उदयसागर रोड, उदयपुर (राजस्थान)	बी एच सी जल विसर्जनीय तेज पूर्ण— IS : 562-1962	
32. सी एम/एल-637 26-2-1964	16-3-1974	15-9-1974	वि मैसूर प्रायरन एण्ड स्टील लि०, भद्रावती (कर्नाटक)	संरचना इस्पात (मानक किस्म)— IS : 226-1969	
33. सी एम/एल-638 26-2-1964	16-3-1974	15-9-1974	वि मैसूर प्रायरन एण्ड स्टील लि०, भद्रावती (कर्नाटक)	संरचना इस्पात (साधारण किस्म)— IS : 1977-1969	
34. सी एम/एल-639 27-2-1964	1-7-1974	30-6-1975	पाथर केबल्स प्रा० लि०, विट्ठलवाड़ी, निकट कल्याण (मध्य रेलवे)	1100 बोल्ड तक कार्यकारी बोल्डता के लिए पी बी सी रोधित (भारी ड्यूटी) बिजली के केबल— IS : 1554 (भाग 1)—1964	

(1)	(2)	(3)	(4)	(5)	(6)
35. सी एम/एल-641 27-2-1964	1-4-1974	31-3-1975	ग्रिम मेटल इंडस्ट्रीज (प्रा०) लि०, 23, कान्वेंट रोड, कलकत्ता-24	इलेक्ट्रोप्लेटिंग के लिए निकेल एनोड— IS : 1958-1967	
36. सी एम/एल-643 9-3-1964	16-4-1974	15-6-1975	चीनस ट्रेडिंग कंपनी, उन्नीशोरी, आनन्द (गुजरात)	लॉक स्टापर्स— IS : 1223 (भाग 1)-1970	
37. सी एम/एल-665 7-5-1964	16-4-1974	15-6-1975	मुकन्व आयरन एण्ड स्टील वर्क्स लि०, कुरला, बम्बई-70	संरचना इस्पात (मानक किस्म)--- IS : 226-1969	
38. सी एम/एल-666 7-5-1964	16-4-1975	15-6-1975		संरचना इस्पात (साधारण किस्म)--- IS : 1977-1969	
39. सी एम/एल-671 12-5-1964	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, दुर्गापुर इस्पात संयंत्र, डाकघर दुर्गापुर-3 जिला बर्दवान	संरचना इस्पात (साधारण किस्म)--- IS : 1977-1969	
40. सी एम/एल-789 25-9-1964	16-4-1974	15-4-1975	प्राइमा ब्रुशवेयर 30, सूर्य सेन स्ट्रीट कलकत्ता-9	ब्रुश रंग रोगन और पॉलिश-- IS : 384-1084	
41. सी एम/एल-805 26-10-1964	1-5-1974	31-10-1974	स्टील रोलिंग मिल्स प्रा० हिन्दुस्तान (प्रा०) लि०, 47, हाइड रोड, एक्सटेंशन कलकत्ता	संरचना इस्पात (मानक किस्म)--- IS : 226-1969	
42. सी एम०/एल-806 26-10-1964	1-5-1974	31-10-1974	स्टील रोलिंग मिल्स प्रा० हिन्दुस्तान (प्रा०) लि०, 47 हाइड रोड, एक्सटेंशन कलकत्ता	संरचना इस्पात (साधारण किस्म)--- IS : 1977-1969	
43. सी एम/एल-829 2-11-1964	16-6-1974	15-6-1975	नेशनल इंडस्ट्रियल कारपोरेशन 99/100 भागरा रोड, भांडुप बम्बई-78 एन बी	संरचना इस्पात (मानक किस्म)--- IS : 226-1969	
44. सी एम/एल-830 2-11-1964	16-6-1974	15-6-1975		संरचना इस्पात (साधारण किस्म)--- IS : 1977-1969	
45. सी एम/एल-1021 9-3-1965	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, भिलाई इस्पात संयंत्र, भिलाई-1 जिला दुर्ग (म०प्र०)	गढ़ाई के लिए कार्बन इस्पात के बिलेट ब्लूम सिलिलिया और छबें-- IS : 1875-1971	
46. सी एम/एल-1022 9-3-1965	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, दुर्गापुर इस्पात संयंत्र डाकघर दुर्गापुर-3 जिला बर्दवान	गढ़ाई के लिए कार्बन इस्पात के बिलेट ब्लूम, सिलिलिया और छबें-- IS : 1875-1971	
47. सी एम/एल-1023 9-3-1965	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, दुर्गापुर इस्पात संयंत्र, दुर्गापुर-3 जिला बर्दवान	संरचना इस्पात (मानक किस्म)--- के रूप में पुनः डलाई के लिए कार्बन इस्पात के बिलेट-- IS : 2830-1964	
48. सी एम/एल-1024 9-3-1965	1-4-1974	31-3-1975		संरचना इस्पात (साधारण किस्म)--- के रूप में पुनः डलाई के लिए कार्बन इस्पात के बिलेट-- IS : 2831-1969	
49. सी एम/एल-1025 10-3-1965	1-4-1974	31-3-1975	वि टाटा आयरन एण्ड स्टील कं० लि०, जमशेदपुर (बिहार)	कंक्रीट प्रबलन के लिए मुटु इस्पात और मध्यम तनाव इस्पात की सरिया-- IS : 432 (भाग 1)-1966	
50. सी एम/एल-1027 10-3-1965	1-4-1974	31-3-1975	वि टाटा आयरन एण्ड स्टील कं० लि०, जमशेदपुर (बिहार)	संरचना इस्पात (उच्च तनाव) IS : 961-1962	

(1)	(2)	(3)	(4)	(5)	(6)
51. सी एम/एन-1028 10-5-1965	1-4-1974	31-3-1975	डि डी आयरन एंड स्टील कं० लि०, जमशेदपुर (जिहार)	गर्म वेलित कार्बन इस्पात की चदर और पतो-- IS : 1079-1968	
52. सी एम/एन-1020 10-3-1965	1-4-1974	31-3-1975	डि डी आयरन एंड स्टील कं० लि०, जमशेदपुर (जिहार)	संरचना कार्यों के लिए रिबेट छड़ें-- IS : 1148-1973	
53. सी एम/एन-1030 10-3-1965	1-4-1974	31-3-1975	"	संरचना कार्यों के लिए उच्च तनाव रिबेट छड़ें-- IS : 1149-1973	
54. सी एम/एन-1031 10-3-1965	1-4-1974	31-3-1975	"	गढ़ाई के लिए कार्बन इस्पात की छड़ें, विलेट ब्लूम और सिलिलिया-- IS : 1875-1971	
55. सी एम/एन-1032 10-3-1965	1-4-1974	31-3-1975	"	संरचना इस्पात (मानक किस्म)-- के रूप में पुनः वेल्डन के लिए कार्बन इस्पात के बिलेट-- IS : 2830-1964	
56. सी एम/एन-1033 10-3-1965	1-4-1974	31-3-1975	"	संरचना इस्पात (साधारण किस्म)-- के रूप में पुनः वेल्डन के लिए कार्बन इस्पात के बिलेट-- IS : 2831-1969	
57. सी एम/एन-1034 12-3-1965	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, बिलाई इस्पात संयंत्र, बिलाई-1 जिला दुर्ग (म०प्र०)	संरचना इस्पात (मानक किस्म)--के रूप में पुनः वेल्डन के लिए कार्बन इस्पात के बिलेट-- IS : 2830-1964	
58. सी एम/एन-1035 12-3-1965	1-4-1974	31-3-1975	"	संरचना इस्पात (साधारण किस्म)--के रूप में पुनः वेल्डन के लिए कार्बन इस्पात के बिलेट-- IS : 2831-1969	
59. सी एम/एन-1045 26-3-1965	16-5-1974	15-5-1975	राजी एंजिड एण्ड कैमिकल वर्क्स, 32/2, मुरारी पुकूर रोड, कलकत्ता-4	हाइड्रोक्लोरिक अम्ल तकनीकी शुद्ध और विश्लेषी अभिकर्मक ग्रेड-- IS : 265-1962	
60. सी एम/एन-1052 15-4-1965	1-5-1974	30-4-1975	जे०के० स्टील एण्ड इंडस्ट्रीज लि०, रिषरा, जिला हुगली (प० बंगाल)	गर्म वेलित इस्पात की पतियां (गांठें बंधाई के लिए)-- IS : 1029-1970	
61. सी एम/एन-1057 22-4-1965	16-5-1974	15-5-1975	राजी एंजिड एण्ड कैमिकल वर्क्स, 32/2, मुरारी पुकूर रोड, कलकत्ता-4	संरचना इस्पात (मानक किस्म) और अभिकर्मक-- IS : 266-1961	
62. सी एम/एन-1090 3-6-1965	16-6-1974	15-6-1975	जेस्ट इंडिया स्टील कं० लि०, चेन्नैधूर फेरोक (केरल)	संरचना इस्पात (मानक किस्म) IS : 226-1969	
63. सी एम/एन-1091 3-6-1965	16-6-1974	15-6-1975	जेस्ट इंडिया स्टील कं० लि०, चेन्नैधूर फेरोक (केरल)	संरचना इस्पात (साधारण किस्म)-- IS : 1977-1969	
64. सी एम/एन-1124 12-3-1965	1-7-1974	30-6-1975	जनरल इंजीनियरिंग एण्ड इलेक्ट्रिक वर्क्स, 9 वीनू गली, हाथड़ा	'ए' श्रेणी के रोशन सभी छोटी ए सी बिजली की मोटरें, 0.18 किवा (1/4 हापा) से 0.75 किवा (1 हापा) तक एक फेज कैपेसिटर स्टार्ट-- IS : 996-1974	

(1)	(2)	(3)	(4)	(5)	(6)
65. सी एम/एल-1133 30-8-1965	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, भिलाई इस्पात संयंत्र, भिलाई-1 जिला दुर्ग (म०प्र०)	सामान्य कार्यों के लिए मशीनी पुर्जों को बनाने में प्रयुक्त कार्बन इस्पात की काली छहें-- IS : 2073-1970	
66. सी एम/एल-1161 2-11-1965	16-6-1974	15-6-1975	मध्य प्रदेश आयरन एण्ड स्टील वर्क्स, प्रा० लि०, नन्दनी रोड, भिलाई-1 (म० प्र०)	संरचना इस्पात (मानक किस्म)-- IS : 226-1969	
67. सी एम/एल-1183 6-12-1965	1-6-1974	31-5-1975	पेस्टोसाइड्स इंडिया उदयसागर रोड, उदयपुर (राजस्थान)	बीएचसी पायसमीय तेज द्रव-- IS : 632-1966	
68. सी एम/एल-1185 17-12-1965	16-5-1974	15-5-1975	प्रेडले इलेक्ट्रिकल्स (इंडिया) 456/426, मिलिटरी परेड रोड, रेडियो कालोनी, दिल्ली	पीवीसी रोहित और पीवीसी खोल वाले केवल, 250/440 और 650/1100 वोल्ट ग्रेड एलुमिनियम चालकों वाले-- IS : 994 (भाग 1 और 2)-1964	
69. सी एम/एल-1215 28-2-1966	16-3-1974	15-3-1975	वि मैसूर आयरन एण्ड स्टील लि०, भद्रावती (कर्नाटक)	संरचना इस्पात (गलत वैल्विंग किस्म)-- IS : 2062-1969	
70. सी एम/एल-1216 28-2-1966	16-3-1974	15-3-1975	वि मैसूर आयरन एण्ड स्टील लि०, भद्रावती (कर्नाटक)	गढ़ाई के लिये कार्बन इस्पात की छहें बिलेट ब्लूम और सिलिसिया-- IS : 1875-1971	
71. सी एम/एल-1223 9-3-1966	16-3-1974	15-3-1975	कलकरता प्लाईवुड मैन्यु० कं० झाकधर सीडो, जिला लखीमपुर (असम)	चाय की पेटियों के लिये प्लाईवुड के तख्ते IS : 10-1970	
72. सी एम/एल-1224 9-3-1966	1-4-1974	31-3-1975	आइवानी ओलिकॉन प्रा० लि० भागरा रोड, भादुंग, बम्बई	सामान्य प्रवेश वाले मुटु इस्पात की मेटल आर्क वेल्डिंग के लिये ठके इलेक्ट्रोड्स-- IS : 814-1970	
73. सी एम/एल-1249 22-4-1966	16-3-1974	15-3-1975	श्री बजरंग इलेक्ट्रिक स्टील कं० प्रा० लि०, 1, काली मजूमदार रोड, वासूरी, हावड़ा	संरचना इस्पात (मानक किस्म)-- IS : 226-1969	
74. सी एम/एल-1250 22-4-1966	16-3-1974	15-3-1975	"	संरचना इस्पात (साधारण किस्म)-- IS : 1977-1969	
75. सी एम/एल-1252 26-4-1966	1-5-1974	30-4-1975	मुकुंद आयरन एण्ड स्टील वर्क्स लि०, काल्वे थाना (महाराष्ट्र)	संरचना इस्पात (मानक किस्म)-- IS : 228-1969	
76. सी एम/एल-1253 26-4-1966	1-5-1974	30-4-1975	"	संरचना इस्पात (साधारण किस्म)-- IS : 1977-1969	
77. सी एम/एल-1258 5-5-1966	1-5-1974	30-4-1975	जीप फ्लैशलाइट इंडस्ट्रीज लि०, 28, साउथ रोड, इलाहाबाद-7	फ्लैश लाइट-- IS : 2083-1962	
78. सी एम/एल-1261 20-5-1966	1-6-1974	31-5-1975	इंडियन आक्सीजन लि०, इलेक्ट्रोड फैक्टरी अम्बातूर इंडस्ट्रियल इस्टेट, मद्रास	मुटु इस्पात की मेटल आर्क वेल्डिंग के लिए ठके इलेक्ट्रोड-- IS : 814-1970	
79. सी एम/एल-1264 23-5-1966	1-6-1974	31-5-1975	ह्यूनी मेटल रोलिंग मिल प्रा० लि०, तांबावाला प्रोपर्टीज, रे रोड, बम्बई-10	रसायन उद्योग में उपयोग के लिये सीसे की चदर-- IS : 450-1961	
80. सी एम/एल-1269 30-5-1966	1-6-1974	31-5-1975	नवीन इंडस्ट्रीज, इंडस्ट्रियल एरिया (मायापुरी) फेज II, नई दिल्ली-27	अंग्रेजी टट्टियों के लिये प्लास्टिक की सीट और उनके बक्कन-- IS : 2548-1967	

(1)	(2)	(3)	(4)	(5)	(6)
81. सीएम/एल-1270 31-5-1966	16-6-1974	15-6-1975	बम्बई फंडकटर्स एण्ड इलैक्ट्रिकल्स प्रा० लि०, प्लाट संख्या 175/4 गांव थोडसर, समीप जसोदानगर, ग्रहमबाबा	पूर्ण एलुमीनियम बालक और इस्पात की कोर वाले एलुमिनियम बालक- IS : 398-1961	
82. सीएम/एल-1279 10-6-1961	16-6-1974	15-6-1975	प्रकाश पुल्लराइजिंग मिल्स, इंडस्ट्रियल एरिया, अलवर (राजस्थान)	इड्रिन पायसनीय तेज द्रव- IS : 1310-1958	
83. सीएम/एल-1322 30-8-1966	1-4-1974	30-9-1974	मल्टी बेल्ड घायर कं० प्रा० लि०, 59, मरोल धरोपी रोड मरोल, बम्बई-59	कंक्रिट प्रबलन के लिये सक्षत बिछें इस्पात के तार की जाली- IS: 1666-1967	
84. सीएम/एल-1326 31-5-1966	1-3-1974	28-2-1975	थि सर्वेन मेटल इंडस्ट्रीज, मन्नार, अलेप्पी जिला (केरल)	पिटवा एलुमिनियम के वर्तन-ग्रेड एसआईसी- एसआईसी- IS : 21-1959	
85. सीएम/एल-1356 30-11-1966	1-7-1974	30-6-1975	ट्रावनकोर केमिकल एण्ड मैनु० कं० लि०, एलु, उद्योग मंडल, हाकवर बरास्ता अरवाय, (केरल)	सी एच सी पायसनीय तेज द्रव घूलन पाउडर IS : 562-1962	
86. सीएम/एल-1407 14-3-1967	1-7-1974	30-6-1975	पावर केबल प्रा० लि०, विट्ठलवाड़ी निकट कल्याण (मध्य रेलवे)	पोसीइथाइलीन रोधित और पीवीसी खोल वाल केबल, इकहरी कोर और दुहरी पकटे और एलुमिनियम बालकों वाले- IS : 1596-1970	
87. सीएम/एल-1444 16-5-1967	1-6-1974	30-5-1975	पेस्टीसाइड्स इंडिया उदयसागर रोड, उदयपुर (राजस्थान)	स्थिरीकृत मिथाकली इथाइल पारा क्लोराइड तेज द्रव से बने यौगिक- IS : 2358-1963	
88. सीएम/एल-1463 16-6-1967	16-5-1974	15-5-1975	ग्रेडले इलैक्ट्रिकल (इंडिया) 456/426, मिलिटरी परेड रोड, रेडियो कालोनी, दिल्ली	ताप नम्य रोधित ऋतुसह केबल- IS : 3035 (भाग 1 और 2)-1965 और IS : 3035 (भाग 3)-1967	
89. सीएम/एल-1544 9-10-1967	16-4-1974	15-4-1975	हिन्द आयरन फाउंडरी रेलवे रोड, बटाला (पंजाब)	100 मिमी तक के बाणू हले लोहे के मल पाइप- IS : 1729-1964	
90. सीएम/एल-1573 27-11-1967	1-3-1974	31-8-1974	नेशनल बुड प्रोडक्ट्स 19/9, हरीश नियोगी रोड, कलकत्ता-4	चाय की पेटियों के लिये प्लाईवुड के लक्ते- IS : 10-1970	
91. सीएम/एल-1607 5-1-1968	1-4-1974	31-3-1975	एलुमिनियम इंडस्ट्रीज (असम) प्रा० लि०, माकम रोड, हाकवर तिनसुखिया (असम)	चाय की पेटियों के लिये धातु फिटिंग IS : 10-1970	
92. सीएम/एल-1608 5-1-1968	1-4-1974	31-3-1975	एस० पी० अग्रवाल एण्ड कम्पनी, 6, हरचन्द्र मालिक स्ट्रीट, कलकत्ता-	चाय की पेटियों के लिये धातु के फिटिंग- IS : 10-1970	
93. सीएम/एल-1622 12-1-1967	1-6-1974	31-5-1975	पेस्टीसाइड्स इंडिया, उदयपुर सागर रोड, राजस्थान)	मालाथियोन पायसनीय तेजद्रव- IS : 2567-1963	
94. सीएम/एल-1629 31-8-1968	1-5-1974	30-4-1975	यवलकर इलेक्ट्रीसाइड्स एण्ड केमिकल्स, 27 बी गवर्नमेंट इंडस्ट्रियल इस्टेट, कास्टी रोड, नागपुर	मालाथियोन पायसनीय तेजद्रव IS : 2567-1963	
95. सीएम/एल-1646 8-3-1968	16-5-1974	15-12-1974	स्टैण्डर्ड मिमरल प्राइक्शन प्रा० लि०, सुभाष नगर, मोमेश्वरी (पूर्व) बम्बई-60	एड्रिन पायसनीय तेजद्रव- IS : 1310-1958	

(1)	(2)	(3)	(4)	(5)	(6)
96. सीएम/एल-1651 11-3-1968	16-3-1974	15-3-1975	हिन्दू सिरीमिक लिमिटेड, 147, सीकनग रोड, बेलघोरिया, फाजलपुर-56	(1) कच्चा पॉप चीनी मिट्टी के बर्तन, 100 मिमी, 150 मिमी, 200 मिमी और 230 मिमी व्यास के; (2) लगभग 90% के कोण वाले जंघ वाले जंकशन साइज 100×100× 600 मिमी के (3) वर्गाकार गुड़ वाले गली ड्रेन साइज 150×100 मिमी, टाइप 'पी' (4) बीनाई वाले, मोड़ भीतरी व्यास 100 मिमी, साइज (5) वर्ध गोलाकार बेलन साइज 100×600 मिमी, और (6) वर्ध गोलाकार बेलन, साइज 150×600 मिमी IS: 651-1971	
97. सीएम/एल-1753 23-7-1968	1-5-1974	30-4-1975	रामचन्द्र हीरालाल, 62, कालेज घाटरोड, बालीगार, हानग	संरचना इस्पात (मानक किस्म)- IS: 226-1969	
98. सीएम/एल-1754 23-7-1965	1-5-1974	30-4-1975	"	संरचना इस्पात (साधारण किस्म)- IS: 1977-1969	
99. सीएम/एल-1755 23-7-1968	1-5-1974	30-5-1975	"	संरचना काथी के लिये रिबेट लड़्डे- IS: 1143-1964	
100. सीएम/एल-1767 19-8-1968	1-5-1974	30-4-1975	प्रकाश एण्ड कम्पनी, रिवाड़ी तालाब, संक्रियता एरिया, बाबापुरी, नई दिल्ली-27	केवल 15 मिमी साइज के उच्च दाय और मध्यम (क्षितिज फ्लैट टाइप) गोलीनुता द्वारा IS: 1703-1968	
101. सीएम/एल-1780 30-8-1968	16-4-1974	15-4-1975	गिरारानी इलेक्ट्रिक कम्पनी (प्रा०) लि०, 48/1, सी० टी० रोड, बैलघाटो, जिला हुगली (प० बंगाल)	एक फेजी बिजली की मोटर, 1.5 कि० (2 ह्प) तक 'ए' सेमी के रोधन वाली- IS: 996-1964	
102. सीएम/एल-1828 8-11-1968	16-5-1974	15-5-1975	श्रीरंगाबाद रोलिंग मिल्स कम्पनी, ऐडी- गनल इंडस्ट्रियल इस्टेट, बिकलवाला, श्रीरंगाबाद	संरचना इस्पात (मानक किस्म)- IS: 226-1969	
103. सीएम/एल-1829 8-11-1968	16-5-1974	15-5-1975	"	संरचना इस्पात (साधारण किस्म)- IS: 1977-1969	
104. सीएम/एल-1862 23-12-1968	16-3-1974	15-3-1975	इस्ट एण्ड सप्लाय कम्पनी, 12/1, कौला पूर्व रोड, कलकत्ता-1	चाय की पेटियों के लिये प्लाईवुड के लट्टी IS: 10-1970	
105. सीएम/एल-1872 23-12-1968	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, बिलाई इस्पात संयंत्र, बिलाई-1, जिला दुर्ग (म० प्र०)	कथीत प्रयत्न के लिये टंडी मरोड़ी विद्युत इस्पात की संधिया- IS: 1786-1966	
106. सीएम/एल-1876 23-12-1968	16-3-1974	15-3-1975	गुनियन प्रोडक्ट्स, 13, हरीश मिश्रों रोड, कलकत्ता-4	चाय की पेटियों के लिये प्लाईवुड के लट्टी- IS: 10-1970	
107. सीएम/एल-1934 17-3-1969	1-3-1974	31-3-1975	हिन्दुस्तान स्टील लि०, दुर्गापुर इस्पात संयंत्र, डाकघर दुर्गापुर-3 जिला दार्जिलिंग	कथीत प्रयत्न के लिये टंडी मरोड़ी विद्युत इस्पात की संधिया- IS: 1786-1966	

(1)	(2)	(3)	(4)	(5)	(6)
103. सीएम/एन-1952 7-4-1969	1-4-1974	31-3-1975	हिन्दुस्तान स्टील लि०, भिलाई इस्पात संयंत्र, भिलाई-1 जिला हुरी (म० प्र०)	मेटल आर्क वेल्डिंग इलेक्ट्रोड की कोर के तार के निम्ने मूद्रणाल- IS : 2879-1967	
109. सीएम/एन-1955 23-4-1969	1-5-1974	30-4-1975	सुदर्शन स्टील रोलिंग मिल्स, 601, मोतीराय रोड, शाहदरा, दिल्ली-32	संरचना इस्पात (गतक क्रिम)--- IS : 226-1969	
110. सीएम/एन-1956 23-4-1969	1-5-1974	30-4-1975	सुदर्शन स्टील रोलिंग मिल्स, 601, मोतीराय रोड, शाहदरा, दिल्ली-32	संरचना इस्पात (साधारण क्रिम)--- IS : 1977-1969	
111. सीएम/एन-1957 23-4-1969	1-5-1974	30-4-1975	पेटा केमि, प्लाट संख्या 20-23, इंडस्ट्रियल इस्टेट, अहमदाबाद	ताम्र आक्सीक्लोराइड थल विद्युत्जननीय पाउडर--- IS : 1507-1966	
112. सीएम/एन-1973 26-5-1969	1-5-1974	15-5-1975	होएस्ट फार्मास्युटिकल्स लि०, लाख बहापुरशास्त्री मार्ग, मुलुव, बम्बई-80	वाहनापैट्रिल का इस्तेमाल शोषण तेज त्रय--- IS : 4325-1967	
113. सीएम/एन-1931 29-5-1969	1-6-1974	31-5-1975	हिन्दुस्तान गम एण्ड केमिकल्स लि०, बिड़ला कालोनी, भिवानी (हरियाणा)	नारकागोय ग्रेड 2 (पाउडर)--- IS : 3988-1969	
114. सीएम/एन-2060 28-8-1969	1-6-1974	31-5-1975	ऑज इंडिया मेडिकल कारपोरेशन, मूलजी एलिडन पायसनीय वेअरव--- जेटा बिल्डिंग, 185, प्रिंसेज स्ट्रीट, बम्बई-2	IS : 1307-1958	
115. सीएम/एन-2061 28-8-1969	1-6-1974	31-5-1975	ऑज इंडिया मेडिकल कारपोरेशन, मूलजी जेटा बिल्डिंग, 185, प्रिंसेज स्ट्रीट, बम्बई-2	एलिडन धूलन पाउडर--- IS : 1308-1958	
116. सीएम/एन-2072 10-9-1969	1-6-1974	15-10-1974	सर्वमंतल मैर्यु० कम्पनी, 34, सी०टी० रोड, कलकत्ता	ऐस्बेस्टाम सीमेंट के पाएष और फिटिंग 50 मिमी, 63.5 मिमी, 76.2 मिमी, 100 मिमी और 152.4 मिमी भीतरी व्यास वाले--- IS : 1626-1960	
117. सीएम/एन-2106 8-10-1969	1-6-1974	15-10-1974	सुर्तु आयरन एण्ड स्टील वर्क्स लि०, आगरा रोड, कुरुना, बम्बई-70	कंसीट प्रत्यन के लिए टीडी नोरी विद्युत इस्पात की शरिया--- IS : 1786-1966	
118. सीएम/एन-2144 19-11-1969	1-6-1974	30-11-1974	बी०यार० हरमन एण्ड मोहता (इ०) प्रा० लि०, सुधियावा (पंजाब)	वालू ठेके मल पाएष केवल 75 मिमी और 100 मिमी साइज के--- IS : 1729-1964	
119. सीएम/एन-2283 20-3-1970	1-4-1974	30-9-1974	अशोक टिन फैक्टरी, XVII/281, न्यूज स्ट्रीट, एर्णाकुलम, कोचीन-11	चाय की पेटियों के लिए धातु के फिटिंग--- IS : 10-1970	
120. सीएम/एन-2284 20-3-1970	1-4-1974	31-3-1975	असम रेलवेज एण्ड ट्रेडिंग कं० लि०, डाकघर भारखेरिटा, जिला लखीमपुर, (ऊपरी असम)	चाय की पेटियों के लिए पट्टियां IS : 10-1970	
121. सीएम/एन-2290 24-3-1970	1-4-1974	31-3-1975	नरसॉट एण्ड कम्पनी, 35/सी, खोल पट्टी रोड, कलकत्ता-10	चाय की पेटियों के लिए पट्टियां--- IS : 10-1970	
122. सीएम/एन-2371 22-7-1970	1-4-1974	30-9-1974	अथथ प्लाईवुड इंडस्ट्रीज, बहराइन रोड, गोंडा (उ०प्र०)	चाय की पेटियों के लिए प्लाईवुड के तख्ते--- IS : 10-1970	
123. सीएम/एन-2426 1-12-1970	1-4-1974	31-3-1975	भारत पुस्तकालयिका मिल्स प्रा० लि०, विद्युत्कोली, कासलेत, बाजकुला बम्बई-8	सी सी टी जल विद्युत्जननीय धूलन पाउडर--- IS : 505-1961	

(1)	(2)	(3)	(4)	(5)	(6)
124. सीएम/एल-2430 20-10-1970	16-4-1974	15-4-1975	रॉक वेल्ड इलेक्ट्रोड्स इंडिया लि०, 29, इंडस्ट्रियल इस्टेट, घम्बापुर, मद्रास-58	सामान्य प्रवेश वाले मृदु इस्पात की मेटल भाकें वेल्डिंग के लिए ठोके इलेक्ट्रोड— IS : 814-1970	
125. सीएम/एल-2448 4-11-1970	1-11-1973	31-10-1974	इलेक्ट्रिकल केबल्स एण्ड कंडक्टर्स प्रा० लि०, 41 बैरिन राय रोड, पूर्व बेहला, कलकत्ता-6	पूर्ण एलुमीनियम चालक और इस्पात की कोर वाले एलुमीनियम चालक— IS : 398-1961	
126. सीएम/एल-2512 20-1-1971	1-4-1974	30-9-1974	मल्टीवेल्ड वायर कम्पनी प्रा० लि०, 59, मरोल-मरोपी रोड, मरोल, अम्बई-59	सामान्य उपयोग के लिए वेल्डिंग इस्पात के तार की जाली— IS : 4948-1969	
127. सीएम/एल-2588 15-3-1971	16-3-1974	15-3-1975	एंग्लो-इंडिया जूट मिल्स कं० लि०, (लोधर मिल्स) 31, नेताजी सुभाष रोड, कलकत्ता	गलीशों के पीछे लगाने का पटसन कपड़ा IS : 4900-1969	
128. सीएम/एल-2590 15-3-1971	16-3-1974	15-9-1974	वासी जूट कं० लि० (मिल संख्या 1) 15, इंडिया एक्सचेंज प्लेस, कलकत्ता	(1) ए-टिबल IS : 1943-1964 (2) बी० टिबल IS : 2566-1965 (3) बी० टिबल कपड़ा IS : 3667-1966	
129. सीएम/एल-2620 29-3-1971	1-4-1974	31-3-1975	विहला जूट मैग्जु० कम्पनी, विहलापुर, 24 परगना (प० बंगाल)	(1) ए-टिबल IS : 1943-1964 (2) बी-टिबल IS : 2566-1965	
130. सीएम/एल-2621 29-3-1971	1-4-1974	31-3-1975	किंग इलेक्ट्रोप्लेटिंग वर्कर्स, 43, फोरम रोड, अम्बई-8	पिटिंग एलुमीनियम के वर्मन, ग्रेड एस-घाई सी— IS : 21-1959	
131. सीएम/एल-2633 29-3-1971	1-4-1974	31-3-1975	प्रभात प्रायवन फाउंडरी एण्ड मेटल इंडस्ट्रीज (प्रा०) लि० सी-8, इंडस्ट्रियल इस्टेट, खरकेला-4 (उड़ीसा)	बालू ठोले लोहे के मल पाइप (सीधे) 150 मिमी सांकेतिक साइज— IS : 1729-1964	
132. सीएम/एल-2662 13-4-1971	1-5-1974	30-4-1975	दि ट्रावनकोर शुगर एण्ड केमिकल्स लि० तिरुवल्ला-4 (केरल)	बाहियां— IS : 4450-1967	
133. सीएम/एल-2670 23-4-1971	1-5-1974	30-4-1975	श्री अम्बिका सिलेण्डर मैन्यु० कम्पनी, (श्री अम्बिका मिल्स लि० की इकाई) बल्वा, तालुक वासकोई जिला ग्रहमदाबाद	अल्पदाब द्रवित गैसों के भंडारण और परिवहन के लिए 33.3 लिटर जल समाई वाले वेल्डकृत अल्प कार्बन इस्पात के गैस सिलेण्डर— IS : 3196-1968	
134. सीएम/एल-2678 7-5-1971	16-5-1974	15-5-1975	न्यू सेंड्रल जूट मिल्स कं० लि०, (इकाई : अल्बायन), बजबज 24 परगना (प० बंगाल)	(1) सीमेंट भरने के पटसन बोरे— IS : 2580-1961 (2) बुहरे ताने के घाटे के बोरे का कपड़ा IS : 3966-1967 (3) बुहरे ताने के घाटे के बोरे— IS : 3984-1967	
135. सीएम/एल-2681 17-5-1971	1-6-1974	31-11-1974	राम प्रसाद शाहीराम, 24, इंडस्ट्रियल एरिया चंडीगढ़	बलवां लोहे के मल पाइप केवल 100 मिमी साइज के— IS : 1729-1964	

(1)	(2)	(3)	(4)	(5)	(6)
136. सी एम/एल-2687 25-5-1971	1-6-1974	31-5-1975	वेबल यूटेन्सिल फैक्टरी, 15/1, कर्वे रोड, पूना-4 (महाराष्ट्र)	सजावट और बचाव कार्यों के लिए बिजली द्वारा चांदी का पानी चढ़ना— IS : 1067-1968	
137. सी एम/एल-2690 2-6-1971	1-6-1974	31-5-1975	प्रकाश पुलवरराजिंग कम्पनी, मेट्टूर-पलायम रोड, साई बाबा मिशन झाकधर, कोयम्बतूर-11 (तमिलनाडु)	तीन फेजी प्रेषण मोटर 3.7 किवा (3 हापा) तक 'ए' श्रेणी के रोधन वाली— IS : 325-1970	
138. सी एम/एल-2702 15-6-1971	16-6-1974	15-6-1975	जाली स्टील इंडस्ट्रीज प्रा० लि०, 32, नगर रोड, पूना-14	कंक्रीट प्रबलन के लिए ठंडी मरोड़ी विकृत इस्पात की सरिया— IS : 1786-1966	
139. सी एम/एल-2729 4-8-1971	16-4-1974	15-4-1975	आर० पोद्दुस्वामी नायडू एण्ड संस, 12/10, कृष्णस्वामी मुवलियर रोड, कोयम्बतूर-2 (तमिलनाडु)	चाय की पेटियों के लिए धातु के फिटिंग IS : 10-1970	
140. सी एम/एल-2738 16-8-1971	1-6-1974	31-5-1975	स्काईटोन इलेक्ट्रिकल्स (इंडिया), 43, इंडस्ट्रियल एरिया, फरीदाबाद (हर-याणा)	1100 बोल्ड तक कार्यकारी बोल्डता के लिए पी वी सी रोधित (भारी ह्यूटी) बिजली के केबल IS : 1554 (भाग 1)-1964	
141. सी एम/एल-2802 8-11-1971	1-5-1974	31-10-1974	जे०के० स्टील एण्ड इंडस्ट्रीज लि०, दिगारा, जिला हुगली, (प० बंगाल)	शीत वेल्लित इस्पात की पतियां (बक्से बंधाई के लिए) IS : 5872-1973	
142. सी एम/एल-2883 24-1-1972	16-4-1974	15-4-1975	कला परिषद, ए०टी० आगराश्राम, गुन्टूर-4 (प्रा०प्र०)	रंजकों से बनी फाउन्टेन पेन की स्याही— IS : 1221-1971	
143. सी एम/एल-2969 10-3-1972	1-4-1974	31-3-1975	कंकाई भीर प्राइवेट लि०, उक्किअम तोरय पक्कम गांव, मद्रास-20	नागरिक सुरक्षा के लिए अधात्विक टोप— IS : 2300-1968	
144. सी एम/एल-2978 14-3-1972	16-3-1974	15-3-1975	अग्रवाल स्टील इंडस्ट्रीज, मरोल-मरोली रोड, मरोल, बम्बई-59	संरचना इस्पात (मानक किस्म) IS : 226-1969	
145. सी एम/एल-2974 14-3-1972	16-3-1974	15-3-1975	"	संरचना इस्पात साधारण (किस्म)— IS : 1977-1969	
146. सी एम/एल-2983 16-3-1972	1-4-1974	31-5-1975	कंकाई भीर प्रा० लि०, उक्किअम तोरय पक्कम गांव, मद्रास-20	स्कूटर और मोटर साइकिल सवारों के लिए बचाव टोप— IS : 4151-1968	
147. सी एम/एल-3024 30-3-1972	1-4-1974	31-3-1975	आंध्र स्टील कारपोरेशन लि०, मौला-अली, हैदराबाद-40 (प्रा०प्र०)	कंक्रीट प्रबलन के लिए ठंडी मरोड़ी विकृत इस्पात की सरिया— IS : 1786-1966	
148. सी एम/एल-3025 30-3-1972	1-4-1974	31-3-1975	सर्वन स्टील लि० मौलाअली, हैदराबाद-40	शीत वेल्लित इस्पात की पतियां (बक्से बंधाई के लिए) IS : 5872-1970	
149. सी एम/एल-3028 30-3-1972	16-4-1974	15-10-1974	विजय इंडस्ट्रीज, 70, घर्मतल्ला रोड, झाकधर धुसरी, सल्लिक्या, हावड़ा	बाड़ लगाने के लिए जस्ताकृत इस्पात के कांटेदार तार— IS : 278-1969	
150. सी एम/एल-3029 30-3-1972	1-4-1974	31-3-1975	सुलेख राम एण्ड संस, स्टील रोलिंग मिल्स बल्लभ नगर, ऊधव रोड, अहमदाबाद-21	संरचना इस्पात (मानक किस्म) IS : 226-1969	
151. सी एम/एल-3030 30-3-1972	1-4-1974	31-3-1975	"	संरचना इस्पात (साधारण किस्म) IS : 1977-1969	

(1)	(2)	(3)	(4)	(5)	(6)
152. सी एम/एल-3042 11-4-1972	16-4-1974	15-4-1975	श्री इंडिया प्लास्टिड कम्पनी, चेन्नै, तमिल केरीक (केरल)	चाय की पेटियों के लिए प्लास्टिड के तखते IS : 10-1970	
153. सी एम/एल-3044 28-4-1972	1-5-1974	30-4-1975	ब्रिटिश इंडिया रोलिंग मिल्स, 100, सिरीय चौप रोड, बेलूरमट्ट, हावड़ा	संरचना इस्पात (मानक किस्म) IS : 220-1969	
154. सी एम/एल-3045 28-4-1972	1-5-1974	30-4-1975	"	संरचना इस्पात (साधारण किस्म) IS : 1977-1969	
155. सी एम/एल-3046 28-4-1972	1-5-1974	30-4-1975	द्रावतफोर कैमिकल्स एण्ड मैन्यु. कम्पनी लि., गोमुर डाकघर, मेदूर बांध, रेलवे स्टेशन, (तमिलनाडु)	अवक्षेपित बेरियम कार्बोनेट— IS : 3205-1965	
156. सी० एम०/एल०-3053 28-4-1972	1-5-1974	30-4-1975	सीनाजी स्टील रोलिंग मिल्स (प्रा०) लि., सालक पान रोड, बडाला, बम्बई-311	संरचना इस्पात (मानक किस्म) IS : 226-1969	
157. सी० एम०/एल०-3054 28-4-1972	1-5-1974	30-4-1975	"	संरचना इस्पात (साधारण किस्म) IS : 1977-1969	
158. सी० एम०/एल०-3056 28-4-1972	1-5-1974	30-4-1975	पेणवाड़ा इलेक्ट्रिकल्स, धारामदा इंडस्ट्रियल इस्टेट सीठापुर (प० रेलवे) जिला जायनगर, (गुजरात)	पी० डी० सी रोहित केवल : (1) एकहरी कोर बिना खोल और खोल वाले, 250/440, नो० और 650/ 1100 ओ० ग्रेड एल्युमिनियम चालकों वाले और (2) चार कोर खोल वाले, 650/1100 बोल्ड ग्रेड एलुमिनियम चालकों वाले— IS : 694(भाग 2)—1964	
159. सी० एम०/एल०-3060 9-5-1972	16-5-1974	15-5-1975	गुजरात स्टेट कोऑपरेटिव मार्केटिंग सोसायटी लि., नरोल, नरोल बरवा रोड, अहमदा- बाद	सी० डी० डी० ध्यान पाउडर IS : 564-1961	
160. सी० एम०/एल०-3064 9-5-72	16-5-1974	15-5-1975	आर० गो इलेक्ट्रोड लि., गोल्फ लिक्स रोड, कवाडियर, त्रिवेन्द्रम-3 (केरल)	संरचना इस्पात की मेटल आर्क वेल्डिंग के लिए ठोके इलेक्ट्रोड IS : 814-1970	
161. सी० एम०/एल०-3068 19-5-1972	16-5-1974	15-5-1975	श्री लक्ष्मी आयरन एंड स्टील वर्क्स प्रा० लि., 88, रवीन्द्र सारनी, तिरुवा, हावड़ा	संरचना इस्पात (मानक किस्म) IS : 226-1969	
162. सी० एम०/एल०-3069 19-5-1972	16-5-1974	15-5-1975	"	संरचना इस्पात (साधारण किस्म) IS : 1977-1969	
163. सी० एम०/एल०-3082 14-6-1972	16-6-1974	15-6-1975	मध्य प्रदेश आयरन एंड स्टील वर्क्स प्रा० लि., नन्वनी रोड, भिलाई-1 (ग० प्र०)	संरचना इस्पात (साधारण किस्म)— IS : 1977-1969	
164. सी० एम०/एल०-3092 3-7-1972	16-3-1974	15-9-1974	वि मैसूर आयरन एंड स्टील लि., मद्रा- वती (कर्नाटक)	कंक्रीट प्रवलन के लिये ठंडी मरोड़ी विद्युत इस्पात की सरिया— IS : 1786-1966	
165. सी० एम०/एल०-3101 13-7-1972	1-7-1974	30-6-1975	हिन्दुस्तान नेशनल ग्लास एंड इंडस्ट्रीज, अम्नापुर गढ़, जिला रोहतक (हरियाणा)	दूध के लिये कंच की घोटलें, केवल 500 मिलीलिटर वाली— IS : 1392-1971	
166. सी० एम०/एल०-3167 22-9-1972	1-4-1974	30-9-1974	लक्ष्मी मेटल वर्क्स, सराय हकीम, लक्ष्मी भवन, अलीगढ़ (उ० प्र०)	माटिस ताले (खड़ी प्रकार के) 66 मिमी० साइज, 2 लीवर वाले— IS : 2209-1970	

(1)	(2)	(3)	(4)	(5)	(6)
167. सी० एम०/एल०-3267 3-1-1973	1-1-1974	30-6-1974	एकू मैक इंजीनियर्स एंड मैन्यु० ए०-22, एच० एम० टी० इंडस्ट्रियल इस्टेट, बंगलौर-31	लाभ सेंटर— IS : 3793—1966	
168. सी० एम०/एल०-3309 29-1-1973	16-6-1974	15-12-1974	पठानकोट इंडस्ट्रीज प्रा० लि०, डंगू रोड, पठानकोट, (पंजाब)	चाय की पेटियों के लिये प्लाईवुड की पट्टियां IS : 10—1970	
169. सी० एम०/एल०-3360 14-3-1973	16-3-1974	15-3-1975	प्रकल्प प्राइवेट लि०, प्लाट संख्या 3, एम० आई० डी० सी० इंडस्ट्रियल इस्टेट, चिकलघाना, जिला श्रीरंगनाद (महाराष्ट्र)	जल और विकास के दाब पाइपों के लिये बलबां लोहे के फिटिंग— IS : 1538—1969	
170. सी० एम०/एल०-3370 27-3-1973	1-4-1974	31-3-1975	इन्दौर स्टील एंड आयरन मिल्स, 340 जी० टी० रोड, शाहपुरा, बिल्ली	कंकीट प्रबलन के लिये टंडी मरोड़ी चिकृत इस्पात की सरिया— IS : 1786—1969	
171. सी० एम०/एल०-3376 30-3-1973	1-4-1974	30-4-1975	मदुरा मिल्स कम्पनी लि०, न्यू जेल रोड, मदुरा (तमिलनाडु)	सूरी कैनवस (किस्म नम्बर 2)--- IS : 1424—1970	
172. सी० एम०/एल०-3377 5-4-1973	16-4-1974	15-4-1975	हूस्तर प्लाईवुड वर्क्स प्रा० लि०, हूस्तर (कर्नाटक)	सामान्य कार्यों के लिये प्लाईवुड— IS : 303—1960	
173. सी० एम०/एल०-3382 6 4 1973	16-4-1974	15-4-1975	किलोस्कर रुदर्स लि०, किलोस्करबाड़ी (जिला सांगली) (महाराष्ट्र)	खेती के कार्यों के लिये निम्नलिखित साइज के साफ ठंडे और ताजेपानी के धैतिज अपकेन्द्रीय पम्प— 100 मिमी × 100 मिमी० 80 मिमी० × 65 मिमी० 65 मिमी × 50 मिमी० IS : 6595—1972	
174. सी० एम०/एल०-3393 26-4-1973	1-4-1974	31-3-1975	वि पीथिक लि०, अलेग्जिबक रोड, बड़ीदा- 390003	पैराथियोन पायसनीय तेज द्रव— IS : 2129—1962	
175. सी० एम०/एल०-3395 26-4-1973	1-4-1974	31-3-1975		सी० एच० सी० जल विसर्जनीय धूलन पाउ- डर— IS : 562—1962	
176. सी० एम०/एल०-3396 30-4-1973	1-5-1974	31-10-1974	न्यू ताज इंडस्ट्रीज, 7231, गली गड़- हिया, ईशगाह रोड, कस्ताबपुरा, दिल्ली	डोर क्लोजर (द्रव नियंत्रित) केवल साइज 2— IS : 3564—1970	
177. सी० एम०/एल०-3399 30-4-1973	1-5-1974	30-4-1975	प्रताप स्टील रोलिंग मिल्स, (अमृतसर) प्रा० लि०, ठैहरटा (पंजाब)	संरचना इस्पात (मानक किस्म)--- IS : 226—1969	
178. सी० एम०/एल०-3403 30-4-1973	1-5-1974	15-1-1975	सेंडोज (इंडिया) लि०, सेंडोज डाकघर, कोलसेत थाना (महाराष्ट्र)	एन्ड्रिन पायसनीय तेज द्रव— IS : 1310—1958	
179. सी० एम०/एल०-3405 1-5-1973	16-5-1974	15-5-1975	ए० पी० जे० स्टैंडरल लि०, डाकघर राजबन्ध, जिला बर्धमान (पं० बंगाल)	द्रवित पेट्रोलियम गैसों के भंडारण और परि- वहन के लिये 26-9 लिटर और 33 लिटर समार्थ वाले वेल्डकृत अल्प कार्बन इस्पात के गैस सिलेण्डर— IS : 3196—1968	
180. सी० एम०/एल०-3414 11-5-1973	1-5-1974	30-4-1975	न्यू कैमि० इंडस्ट्रीज प्रा० लि०, अशोक नगर, कास रोड संख्या 1, काकोली (पूर्व) बम्बई-400017	एन्ड्रिन पायसनीय तेज द्रव— IS : 1310—1958	

(1)	(2)	(3)	(4)	(5)	(6)
181. सी० एम०/एल०-3418 14-5-1973	16-5-1974	15-5-1975	यूनाइटेड बायर रांस लि०, मारुतिकुमार रोड, भाना 6 (महाराष्ट्र)	300 मिमी साइज तक के इस्पात की कोर वाले एलुमिनियम चालकों की कोर के लिये इस्पात के तार— IS : 398—1961	
182. सी० एम०/एल०-3419 15-5-1973	16-5-1974	15-5-1975	कर्नाटक स्टील बायर प्राइवेट लि०, 11वां मोहन मैसूर रोड, कंगरी, (बंग- लौर दक्षिण)	केबलों पर कवच चढ़ाने के लिये मृदु इस्पात के तार— IS : 3975—1967	
183. सी० एम०/एल०-3420 15-5-1973	16-5-1974	15-5-1975	भद्रबाण हाइड्रोथर वर्क्स प्रा० लि०, 5/1 बी० एम० एम० फोर्ड रोड, बेल- घरिया, 21-परगना (प० बंगाल)	कंक्रिट प्रयत्न के लिये टंडी मरोड़ी विहृत इस्पात की सरिया— IS : 1786—1966	
184. सी० एम०/एल०-3425 25-5-1973	1-6-1974	31-5-1975	नेशनल कंपनी लि०, 18 ए, त्रेबोर्न रोड, कलकत्ता	भारतीय पटसन कपड़ा— IS : 2818—1971	
185. सी० एम०/एल०-3427 28-5-1973	1-6-1974	31-12-1974	पावर केवल्स प्रा०, छानी रोड, यम्मूल प० रेलवे, डी० केबिन, बड़ीया-2 (गुजरात)	पोलीथेथरीलीन रोहित ग्रीड पी० बी० सी० खोल वाले केबल, 250/440 वोल्ट ग्रेड एलुमिनियम चालकों वाले— IS : 1596—1970	
186. सी० एम०/एल०-3428 28-5-1973	1-6-1974	31-5-1975	बेलूमणि इंजीनियरिंग इंडस्ट्रीज. 9/1 मैट्टपलयम रोड, दुट्टियालूर शहर कोयंबटूर-11 (तमिलनाडु)	निम्न रेटिंग के खड़ी प्रकार के बीजल इंजन रेटिंग 3.7 किवा (5 हापा) 1500 चक्कर प्रति मिनट बी०-1 टाइप— IS 1601—1960	
187. सी० एम०/एल०-3444 21-6-1973	16-6-1974	15-12-1974	हिन्दुस्तान जर्मोस्टेटिक्स, 45, महेश्वरनगर, ग्राम्बाणा छावनी	सावे वृक्ष में 10 प्रतिशत वसा ज्ञात करने का यंत्र— IS 1223(भाग 1)—1970	

[सं० सी० एम० डी०/13 :12]

S.O. 460.—In pursuance of sub-regulation (I) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution, hereby, notifies that one hundred and eighty seven licences, particulars of which are given in the following Schedule, have been renewed during the month of June 1974 :

SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity From	To	Name & address of the licensee	Article/Process covered by the Licence and the Relevant IS : Designation
1	2	3	4	5	6
1.	CM/L-9 11-6-1956	16-6-1974	15-6-1975	Jeewan Lal (1929) Ltd., Sree Ganeshar Aluminium Works, No. 1, Singara Garden, Fourth Lane, Washer Manpet, Madras.	Wrought aluminium utensils— IS : 21—1959
2.	CM/L-11 11-6-1956	16-6-1974	15-6-1975	Jeewan Lal (1929) Limited. Crown Aluminium Works, 95, Grand Trunk Road, P.O. Belurmath (Dist. Howrah).	(i) Wrought aluminium utensils, Grades : SIC, SIB and NS3— IS : 21—1959 (ii) Wrought aluminium utensils Grades : SIB, anodized, SIC anodized and NS3 anodized— IS : 1868—1968
3.	CM/L-171 11-3-1960	1-4-1974	31-3-1975	The Britannia Biscuit Co. Ltd., Reay Road, East, Mazagaon, Bombay.	Biscuits— IS : 1011—1968
4.	CM/L-172 11-3-1960	1-4-1974	31-3-1975	Parle Products Pvt., North Level Crossing, Vile Parle, Bombay-24.	Biscuits— IS : 1011—1968
5.	CM/L-174 11-3-1960	1-4-1974	31-3-1975	The Sathe Biscuit & Chocolate Co. Ltd., 820, Bhavani Peth, Poona.	Biscuits— IS : 1011—1968

1	2	3	4	5	6
6. CM/L-241 21-9-1960	1-4-1974	31-3-1975	Bharat Pulverising Mills Pvt. Ltd., Chinchpokli, Cross Lane, Byculla, Bombay-8.	BHC WDP— IS : 562—1962	
7. CM/L-288 28-3-1961	16-4-1974	15-4-1975	Dr. Writer's Chocklates & Canning Co., Bhuvanishankar Road, Dadar, Bombay.	Macaroni, spaghetti and vermicelli— IS : 1485—1959	
8. CM/L-293 28-4-1961	16-5-1974	15-5-1975	Burma-Shell Oil Storage & Distribu- ting Co. of India Ltd., Burma-Shell House, Ballard Estate, Bombay-1.	Endrin EC— IS : 1310—1958	
9. CM/L-296 28-4-1961	16-5-1974	15-5-1975	Indian Rare Earths Limited., Udyog- mandal P.O. Alwaye (Kerala).	Trisodium phosphate— IS : 573—1964	
10. CM/L-300 26-4-1961	16-5-1974	15-5-1975	New Digvijaysinhji Tin Factory, Grain Market, Jamnagar (Gujarat).	18 litre square tins— IS : 916—1966	
11. CM/L-302 25-5-1961	1-3-1974	31-8-1974	National Plywood Industries, 6 Gorapada Sarkar Lane, Calcutta-4.	Tea-chest plywood panels— IS : 10—1970	
12. CM/L-363 30-11-1961	16-6-1974	15-6-1975	Nielcon Private Ltd., J.B. Nagar, off Andheri Kurla Road, Near Vazir Glass Works, Bombay-59.	Three-phase induction motors :— (i) upto 7.5 KW (10 hp) with class (A) insulation; (ii) 0.75 KW (1 hp) and 2.2 KW (3 hp) with class 'E' insulation— IS : 325—1970	
13. CM/L-381 9-2-1962	1-6-1974	31-5-1975	Pesticides India, Udaisagar Road, Udaipur (Raj.)	BHC dusting powders— IS : 561—1962	
14. CM/L-385 14-2-1962	16-2-1974	15-2-1975	Assam Saw Mills and Timber Co. Ltd., 62, Ballygunge Circular Road, (1, Rainey Park), Calcutta-19.	Tea-chest plywood panels— IS : 10-1970	
15. CM/L-391 20-3-1962	1-4-1974	31-3-1975	Hindustan Steel Ltd., Durgapur Steel Plant, P.O. Durgapur-3, Distt. Burdwan.	Structural Steel (Standard quality)— IS : 226—1969	
16. CM/L-392 20-3-1962	1-4-1974	31-3-1975	Hindustan Steel Ltd., Durgapur Steel Plant P.O. Durgapur-3 Distt. Burd- wan.	Mild steel and medium tensile steel bars for concrete reinforcement— IS : 432 (Part I)—1966	
17. CM/L-393 20-3-1962	1-4-1974	31-3-1975	Hindustan Steel Ltd., Durgapur Steel Plant, P.O. Durgapur-3, Distt. Burdwan.	Structural Steel (high tensile)— IS : 961—1962	
18. CM/L-396 20-3-1962	1-4-1974	31-3-1975	Hindustan Steel Ltd., Bhilai Steel Works, P.O. Bhilai-1, Distt. Durg (M.P.)	Structural Steel (standard quality)— IS : 226—1969	
19. CM/L-397 20-2-1962	1-4-1974	31-3-1975	M/s. Hindustan Steel Ltd., Bhilai Steel Works, P.O. Bhilai-1, Distt. Durg (M.P.)	Mild steel and medium tensile steel bars for concrete reinforcement— IS : 432 (Part I)—1966	
20. CM/L-398 20-3-1962	1-4-1974	31-3-1975	Hindustan Steel Ltd., Bhilai Steel Works, P.O. Bhilai-1, Distt. Durg (M.P.)	Structural steel (high tensile)— IS : 961—1962	
21. CM/L-399 20-3-1962	1-4-1974	31-3-1975	Hindustan Steel Ltd., Bhilai Steel Works, P.O. Bhilai-1, Distt. Durg (M.P.)	Rivet bars for structural purposes— IS : 1148—1973	
22. CM/L-400 20-3-1962	1-4-1974	31-3-1975	Hindustan Steel Ltd., Bhilai Steel Works, P.O. Bhilai-1, Distt. Durg (M.P.)	High tensile rivet bars for structural pur- poses— IS : 1149—1973	
23. CM/L-517 23-3-1963	1-5-1974	30-4-1975	Yawalkar Insecticides & Chemicals, Factory Shed No. 20, Industrial Estate, Kamptee Road, Nagpur-4	BHC DP— IS : 561—1962	
24. CM/L-529 19-4-1963	16-5-1974	15-11-1974	Jaipur Maize Products Co. Jhotwara, Jaipur West	Flushing Cisterns, high level, ball type for water closet & urinals, 12.5 litres capacity— IS : 774—1971	
25. CM/L-575 30-8-1963	1-4-1974	31-3-1975	Hindustan Steel Ltd., Bhilai Steel Works, P.O. Bhilai-1, Distt. Durg (M.P.)	Structural steel (fusion welding quality)— IS : 2062—1969	
26. CM/L-576 30-8-1963	1-4-1974	31-3-1975	Hindustan Steel Ltd., Durgapur Steel Plant, P.O. Durgapur-3, Distt. Burdwan.	Structural Steel (fusion welding quality)— IS : 2062—1969	
27. CM/L-596 30-10-1963	1-6-1974	31-5-1975	Pesticides India Udaisagar Road, Udaipur (Raj.)	DDT WDPC— IS : 565—1961	

1	2	3	4	5	6
28. CM/L-598 7-11-1963	1-6-1974	31-5-1975	Skytone Electrical (India) 43, Industrial Area, Faridabad(Haryana).	PVC insulated & PVC sheathed cable 250/440 & 650/1100 volts grade— IS : 694 (Pt. I & II)—1964	
29. CM/L-608 11-12-1963	1-4-1974	31-3-1975	Hindustan Steel Ltd., Bhilai Steel Works, P.O. Bhilai-1, Distt. Durg (M.P.)	Structural steel (ordinary quality)— IS : 1977—1969	
30. CM/L-619 10-1-1964	1-6-1974	31-5-1975	The Indian Tube Co. (1935) Ltd., Jamshedpur, (Bihar).	Mild steel tubes— IS : 1239 (Part I)—1968	
31. CM/L-621 22-1-1964	1-6-1974	31-5-1975	Pesticides India, Udaisagar Road, Udaipur (Raj).	BHC water dispersible powder concentrates— IS : 562—1962	
32. CM/L-637 26-2-1964	16-3-1974	15-9-1974	The Mysore Iron & Steel Ltd., Bhadravati (Karnataka).	Structural steel (standard quality)— IS : 226—1969	
33. CM/L-638 26-2-1964	16-3-1974	15-9-1974	The Mysore Iron & Steel Ltd., Bhadravati (Karnataka).	Structural steel (ordinary quality)— IS : 1977—1969	
34. CM/L-639 27-2-1964	1-7-1974	30-6-1975	Power Cables Pvt. Ltd., Vithalwadi, Near Kalyan (C. Rly.)	PVC insulated (heavy duty) electric cables for working voltages upto and including 1100 volts— IS : 1554 (Part I)—1964	
35. CM/L-641 27-2-1964	1-4-1974	31-3-1975	Arim Metal Industries (P) Ltd., 23, Convent Road, Calcutta-24.	Nickel anodes for electroplating— IS : 1958—1967	
36. CM/L-643 9-3-1964	16-4-1974	15-4-1975	Venus Trading Co. Undishery, Anand (Gujarat).	Lock Stoppers— IS : 1223 (Part-I)—1970	
37. CM/L-665 7-5-1964	16-4-1974	15-6-1975	Mukand Iron & Steel Works Ltd., Kurla Bombay-70	Structural steel (standard quality)— IS : 226—1969	
38. CM/L-666 7-5-1964	16-6-1974	15-6-1975	Mukand Iron & Steel Works Ltd., Kurla, Bombay-70	Structural Steel (ordinary quality)— IS : 1977—1969	
39. CM/L-671 12-5-1964	1-4-1974	31-3-1975	Hindustan Steel Ltd., Durgapur Steel Plant, P.O. Durgapur-3, Distt. Burdwan.	Structural Steel (ordinary quality)— IS : 1977—1969	
40. CM/L-789 25-9-1964	16-4-1974	15-4-1975	Prima Brushware, 30, Survy Sen Street, Calcutta-9.	Brushes, Paints & varnishes— IS : 384—1964	
41. CM/L-805 26-10-1964	1-5-1974	31-10-1974	Steel Rolling Mills of Hindustan (P) Ltd., 47, Hide Road Extn. Calcutta	Structural steel (standard quality)— IS : 226—1969	
42. CM/L-806 26-10-1964	1-5-1974	31-10-1974	Steel Rolling Mills of Hindustan (P) Ltd., 47, Hide Road Extn. Calcutta	Structural Steel (ordinary quality)— IS : 1977—1969	
43. CM/L-829 2-11-1964	16-6-1974	15-6-1975	National Industrial Corporation, 99/100, Agra Road, Bhandup, Bombay-78 NB.	Structural steel (standard quality) IS : 226—1969	
44. CM/L-830 2-11-1964	16-6-1974	15-6-1975	National Industrial Corporation, 99/100, Agra Road, Dhandup, Bombay-78, NB.	Structural steel (ordinary quality)— IS : 1977—1969	
45. CM/L-1021 9-3-1965	1-4-1974	31-3-1975	Hindustan Steel Ltd., Bhilai Steel Plant, Bhilai-1, Distt. Durg (M.P.)	Carbon steel billets, blooms, slabs and bars for forgings— IS : 1875—1971	
46. CM/L-1022 9-3-1965	1-4-1974	31-3-1975	Hindustan Steel Ltd., Durgapur Steel Plant, P.O. Dugapur-3, Distt. Burdwan.	Carbon steel bars, billets, blooms and slabs for forgings— IS : 1875—1971	
47. CM/L-1023 9-3-1965	1-4-1974	31-3-1975	Hindustan Steel Ltd., Durgapur Steel Plant, Durgapur-3 Distt. Burdwan.	Carbon steel billets for re-rolling into structural steel (standard quality)— IS : 2830—1964	
48. CM/L-1024 9-3-1965	1-4-1974	31-3-1975	Hindustan Steel Ltd., Durgapur Steel Plant, P.O. Durgapur-3, Distt. Burdwan.	Carbon steel billets for re-rolling into structural steel (ordinary quality)— IS : 2831—1969	
49. CM/L-1025 10-3-1965	1-4-1974	31-3-1975	The Tata Iron & Steel Co. Ltd., Jamshedpur (Bihar).	Mild steel and medium tensile steel bars for concrete reinforcement— IS : 432 (Part I)—1966	
50. CM/L-1027 10-3-1965	1-4-1974	31-3-1975	The Tata Iron & Steel Co. Ltd., Jamshedpur (Bihar).	Structural steel (high tensile)— IS : 961—1962	
51. CM/L-1028 10-3-1965	1-4-1974	31-3-1975	The Tata Iron & Steel Co. Ltd., Jamshedpur (Bihar).	Hot rolled carbon steel sheet and strip— IS : 1079—1968	
52. CM/L-1029 10-3-1965	1-4-1974	31-3-1975	The Tata Iron & Steel Co. Ltd., Jamshedpur (Bihar).	Rivet bars for structural purposes IS : 1148—1973	

1	2	3	4	5	6
53.	CM/L-1030 10-3-1965	1-4-1974	31-3-1975	The Tata Iron & Steel Co. Ltd., Jamshedpur (Bihar).	High tensile rivet bars for structural purposes— IS : 1149—1973
54.	CM/L-1031 10-3-1965	1-4-1974	31-3-1975	The Tata Iron & Steel Co. Ltd., Jamshedpur (Bihar).	Carbon steel bars, billets, blooms and slabs for forgings— IS : 1875—1971
55.	CM/L-1032 10-3-1965	1-4-1974	31-3-1975	The Tata Iron & Steel Co. Ltd., Jamshedpur (Bihar).	Carbon steel billets for re-rolling into structural steel (standard quality)— IS : 2830—1964
56.	CM/L-1033 10-3-1965	1-4-1974	31-3-1975	The Tata Iron & Steel Co. Ltd., Jamshedpur (Bihar).	Carbon steel billets for re-rolling into structural steel (ordinary quality)— IS : 2831—1969
57.	CM/L-1034 12-3-1965	1-4-1974	31-3-1975	Hindustan Steel Ltd., Bhilai Steel Plant Bhilai-1, Distt. Durg (M.P.)	Carbon steel billets for re-rolling into structural steel (standard quality)— IS : 2830—1964
58.	CM/L-1035 12-3-1965	1-4-1975	31-3-1975	Hindustan steel Ltd., Bhilai Steel Plant Bhilai-1, Distt. Durg (M.P.)	Carbon steel bellets for re-rolling into structural steel (ordinary quality)— IS : 2831—1969
59.	CM/L-1045 26-3-1965	16-5-1975	15-5-1975	Lucky Acid & Chemicals Works, 32/2 Murari Pukur Road, Calcutta-4.	Hydrochloric Acid, Technical pure and analytical reagent grade— IS : 265—1962
60.	CM/L-1052 15-4-1965	1-5-1974	30-4-1975	J.K. Steel & Industries Ltd., Rishra, Distt. Hooghly, (West Bengal).	Hot rolled steel strips (bailing)— IS : 1029—1970
61.	CM/L-1057 22-4-1965	16-5-1974	15-5-1975	Lucky Acid & Chemical Works, 32/2, Murari Pukur Road, Calcutta-4.	Sulphuric acid, analytical & reagent— IS : 226—1969
62.	CM/L-1090 3-6-1965	16-6-1974	15-6-1975	West India Steel Co. Ltd., Cheruvannur Feroke, (Kerala).	Structural steel (Standard quality)— IS : 266—1969
63.	CM/L-1091 3-6-1965	16-6-1974	15-6-1975	West India Steel Co. Ltd., Cheruvannur, Feroke, (Kerala).	Structural steel (ordinary quality)— IS : 1977—1969
64.	CM/L-1124 12-8-1965	1-7-1974	30-6-1975	General Engineering & Electric Works, 9, Dinoo Lane, Howrah.	Small ac electric motors with class 'A' insulation, 0.18 kw (1/4 hp) to 0.75 kw (1 hp) only, single phase capacitor start— IS : 996—1964
65.	CM/L-1133 30-8-1965	1-4-1974	31-3-1975	Hindustan Steel Ltd., Bhilai Steel Plant, Bhilai-1, Distt. Durg (M.P.)	Carbon steel black bars for production of machined parts for general engineering purposes— IS : 2073—1970
66.	CM/L-1161 2-11-1965	16-6-1974	15-6-1975	Madhya Pradesh Iron and Steel Works, Pvt. Ltd., Nandini Road, Bhilia-1, (M.P.)	Structural Steel (standard quality)— IS : 226—1969
67.	CM/L-1183 6-12-1965	1-6-1974	31-5-1975	Pesticides India, Udaisagar Road, Udaipur (Raj).	BHC ensifible concentrates— IS : 632—1966
68.	CM/L-1185 17-12-1965	16-5-1974	15-5-1975	Grandlay Electricals (India), 456/426, Military Parade Road, Radio Colony, Delhi.	PVC insulatd & PVC sheathed cables, 250/440 & 650/1100 volts grade, aluminium conductors— IS : 694 (Pt. I & II)—1964
69.	CM/L-1215 28-2-1966	16-3-1974	15-3-1975	The Mysore Iron & Steel Ltd., Bhadravati (Karnataka).	Structural steel (fusion welding quality)— IS : 2062—1969
70.	CM/L-1216 28-2-1966	16-3-1974	15-3-1975	The Mysore Iron & Steel Ltd., Bhadravati (Karnataka).	Carbon steel bars billets, blooms and slabs for forgings— IS : 1875—1971
71.	CM/L-1223 9-3-1966	16-3-1974	15-3-1975	Calcutta Plywood Mfg. Co. P.O. Ledo, Distt. Lakhimpur, (Assam).	Tea-chest plywood panels— IS : 10—1970
72.	CM/L-1224 9-3-1966	1-4-1974	31-3-1975	Advani-Oerlikon Pvt. Ltd., Agra Road, Bhandup, Bombay.	Covered electrodes for metal arc welding of mild steel, normal penetration type— IS : 814—1970
73.	CM/L-1249 12-4-1966	16-3-1974	15-3-1975	Shree Bajrang Electric Steel Co. Pvt. Ltd. 1 Kali Mazumdar Rd., Ghusury, Howrah.	Structural Steel (standard quality)— IS : 226—1969
74.	CM/L-1250 22-4-1966	16-3-1974	15-3-1975	Shree Bajrang Electric Steel Co. Pvt. Ltd., 1 Kali Mazumdar Rd. Ghusury, Howrah.	Structural steel (ordinary quality)— IS : 1977—1969
75.	CM/L-1252 26-4-1966	1-5-1974	30-4-1975	Mukand Iron & Steel Works Ltd., Kalwe, Thane, Maharashtra.	Structural steel (standard quality)— IS : 226—1969

1	2	3	4	5	6
76. CM/L-1253 26-4-1966	1-5-1974	30-4-1905	Mukand Iron & Steel Works Ltd., Kalwo, Thane, Maharashtra.	Structural steel (ordinary quality)— IS : 1977—1969	
77. CM/L-1258 5-5-1966	1-5-1974	30-4-1975	Geep Flashlight Industries Ltd., 28, South Road, Allahabad-7.	Flashlights— IS : 2083—1962	
78. CM/L-1261 20-5-1966	1-6-1974	31-5-1975	Indian Oxygen Ltd., Electrode Factory, Ambattur Industrial Estate, Madras.	Covered electrodes for metal arc welding of mild steel— IS : 814—1970	
79. CM/L-1264 23-5-1966	1-6-1974	31-5-1975	Hooseini Metal Rolling Mill Pvt. Ltd., Tambawala Properties, Reay Road, Bombay-10.	Lead sheet for use in chemical industry— IS : 405—1961	
80. CM/L-1269 30-5-1966	1-6-1974	31-5-1975	Naveen Industries, Industrial Area (Mayapuri) Phase II, New Delhi-27.	Plastic water closet seat & covers, phenolic, Type A— IS : 2548—1967	
81. CM/L-1270 31-5-1966	16-6-1974	15-6-1975	Bombay Conductors & Electricals Pvt. Ltd., Plot No. 175/4, Village Ghodsar Near Jasodanagar, Ahmedabad.	AAC and ACSR Conductors— IS : 398—1961	
82. CM/L-1279 10-6-1966	16-6-1974	15-6-1975	Prakash Pulverising Mills Industrial Area, Alwar (Rajasthan).	Endring Emulsifiable Concentriates— IS : 1310—1958	
83. CM/L-1322 30-8-1966	1-4-1974	30-9-1974	Muliweld Wire Co. Pvt. Ltd., 59, Marol-Maroshi Road, Marol, Bombay-59.	Hard drawn steel wire fabric for Concrete reinforcement— IS : 1566—1967	
84. CM/L-1326 31-8-1966	1-3-1974	28-2-1975	The Southern Metal Industries, M- nar, Alleppey Distt. (Kerala).	Wrought aluminium utensils, grades : SIB, SIC— IS : 21—1959	
85. CM/L-1356 30-11-1966	1-7-1974	30-6-1975	Travancore Chemical & Mfg. Co. Ltd., Eloor, Udyogmandal P.O. Via Alwa- ye (Kerala).	BHC DPC— IS : 562 —1962	
86. CM/L-1407 14-3-1967	1-7-1974	30-6-1975	Power Cable Pvt. Ltd., Vithalwadi, Near Kalyan (C. Rly).	Polyethylene insulated and PVC sheathed cables, single core and twin flat with aluminium conductors— IS : 1596—1970	
87. CM/L-1444 16-5-1967	1-6-1974	31-5-1975	Pesticides India, Udaisagar Road, Udaipur (Raj.)	Formulation based on stabilized methoxy ethyl mercury chloride concentrates— IS : 2358—1963	
88. CM/L-1463 16-6-1967	16-5-1974	15-5-1975	Grandlay Electricals (India), 456/426, Military Parade Road, Radio Colony, Delhi.	Thermoplastic insulated weatherproof cables— IS : 3035 (Part I & II)—1965 and IS : 3035 (Pt. III)—1967	
89. CM/L-1544 9-10-1967	16-4-1974	15-4-1975	Hind Iron Foundry Railway Road, Batala (Pb.)	Sand cast iron soil pipes upto 100 mm— IS : 1729—1964	
90. CM/L-1573 27-11-1967	1-3-1974	31-8-1974	National Wood Products, 19/9, Harish Neogi Road, Calcutta-4.	Tea-chest plywood panels— IS : 10—1970	
91. CM/L-1607 5-1-1968	1-4-1974	31-3-1975	Aluminium Industries (Assam) Pvt. Limited., Mukum Road, P.O. Tin- sukia (Assam).	Tea-chest metal fittings— IS : 10—1970	
92. CM/L-1608 5-1-1968	1-4-1974	31-3-1975	S.P. Agarwal & Co., 6, Hurrochandra Mullick Street, Calcutta.	Tea-chest metal fittings— IS : 10—1970	
93. CM/L-1622 12-1-1968	1-6-1974	31-5-1975	Pesticides India, Udaisagar Road, Udaipur (Raj.)	Malathion emulsifiable concentrates— IS : 2567—1963	
94. CM/L-1629 31-8-1968	1-5-1974	30-4-1975	Yawalkar Insecticides and Chemicals 27th Govt. Industrial Estate, Kam- ptee Road, Nagpur.	Malathion EC— IS : 2567—1963	
95. CM/L-1646 5-3-1968	16-5-1974	15-12-1974	Standard Mineral Products Pvt. Ltd., Subhash Nagar, Jogeshwari (East) Bombay-60.	Endrin EC— IS : 1310—1958	
96. CM/L-1651 11-3-1968	16-3-1974	15-3-1975	Hind Ceramics Ltd., 147, Nilganj Road, Belghoria, Calcutta-56.	(i) Salt-Glazed stoneware pipes, 100 mm 150, mm, 200 mm, and 230 mm diameters; (ii) Junction with branch at an angle of approx. 90°, size 100 × 100 × 600 mm; (iii) Square mouth gully trap size 150 × 100 mm, type, 'P'; (iv) One-quarter bends, internal dia. 100 mm, medium; (v) Half-round channel, size 100 × 600 mm, and (vi) Half-round channel, size 150 × 600 mm IS : 651—1971	

1	2	3	4	5	6
97. CM/L-1753 23-7-1968	1-5-1974	30-4-1975	Ram Chander Heeralal, 62, College Ghat Road, Shalimar, (Howrah).	Structural steel (standard quality)— IS : 226—1969	
98. CM/L-1754 23-7-1968	1-5-1974	30-4-1975	Ram Chander Heera Lal, 62, College Ghat Road, Shalimar (Howrah).	Structural steel (ordinary quality)— IS : 1977—1969	
99. CM/L-1755 23-7-1968	1-5-1974	30-4-1975	Ram Chander Heera Lal, 62, College Ghat Road, Shalimar, (Howrah).	Rivet bars for structural purposes— IS : 1148—1964	
100. CM/L-1767 19-8-1968	1-5-1974	30-4-1975	Prakash & Co., Rewari Line, Industrial Area, Mayapuri, New Delhi-27.	Ball valves (horizontal plunger type), high pressure & low pressure, 15 mm size only— IS : 1703—1968	
101. CM/L-1780 30-8-1968	16-4-1974	15-4-1975	Nistarini Electric Co. (P) Ltd., 48/1, G.T. Road, Baidyabati, Distt. Hooghly (West Bengal).	Single-phase electric motors upto and including 1.5 KW (2hp) with class 'A' insulation— IS : 996—1964	
102. CM/L-1828 8-11-1968	16-5-1974	15-5-1975	Aurangabad Rolling Mills Co., Additional Industrial Estate, Chikalthana, Aurangabad.	Structural steel (standard quality)— IS : 226—1969	
103. CM/L-1829 8-11-1968	16-5-1974	15-5-1975	Aurangabad Rolling Mills Co., Additional Industrial Estate, Chikalthana, Aurangabad.	Structural steel (ordinary quality)— IS : 1977—1969	
104. CM/L-1862 23-12-1968	16-3-1974	15-3-1975	Eastend Supply Company, 12/1 Canal East Road, Calcutta-1.	Tea-chest plywood panels— IS : 10—1970	
105. CM/L-1872 23-12-1968	1-4-1974	31-3-1975	Hindustan Steel Ltd., Bhilai Steel Plant Bhilai-1, Distt. Durg (M.P.)	Cold twisted deformed steel bars for concrete reinforcement— IS : 1786—1966	
106. CM/L-1876 23-12-1968	16-3-1974	15-3-1975	Union Products, 13, Harish Neogi Road, Calcutta-4.	Tea-chest plywood panels— IS : 10—1970	
107. CM/L-1934 17-3-1969	1-4-1974	31-3-1975	Hindustan Steel Ltd., Durgapur Steel Plant, P.O. Durgapur-3, Distt. Burdwan.	Cold twisted deformed steel bars for concrete reinforcement— IS : 1786—1966	
108. CM/L-1952 7-4-1969	1-4-1974	31-3-1975	Hindustan Steel Ltd., Bhilai Steel Plant, Bhilai-1, Distt. Durg (M.P.)	Mild steel for metal arc welding electrode core wire— IS : 2879—1967	
109. CM/L-1955 23-4-1969	1-5-1974	30-4-1975	Sudershan Steel Rolling Mills, 601, Moti Ram Road, Shahdara, Delhi-32	Structural steel (standard quality)— IS : 226—1969	
110. CM/L-1956 23-4-1969	1-5-1974	30-4-1975	Sudershan Steel Rolling Mills, 601, Moti Ram Road, Shahdara, Delhi-32	Structural steel (ordinary quality)— IS : 1977—1969	
111. CM/L-1957 23-4-1969	16-4-1974	15-4-1975	Penta Chem. Plot No. 20-23, Industrial Estate, Ahmednagar.	COC WDP— IS : 1507—1966	
112. CM/L-1978 26-5-1969	16-5-1974	15-5-1975	Hoechst Pharmaceuticals Ltd., Lal B.S. Marg, Mulund, Bombay-80.	Binapacryl EC— IS : 4325—1967	
113. CM/L-1981 29-5-1969	1-6-1974	31-5-1975	Hindustan Gum & Chemicals Ltd., Birla Colony, Bhiwani (Haryana).	Gaur Gum grade 2 (Powder) - IS : 3998—1967	
114. CM/L-2060 28-8-1969	1-6-1974	31-5-1975	All India Medical Corporation, Mulji Jetha Building, 185, Princess Street, Bombay-2.	Aldrin EC— IS : 1307—1958	
115. CM/L-2061 28-8-1969	1-6-1974	31-5-1975	All India Medical Corporation, Mulji Jetha Building, 185 Princess, Street Bombay-2.	Aldrin DP— IS : 1308—1958	
116. CM/L-2072 10-9-1969	16-4-1974	15-10-1974	Sarbamangala Mfg. Co, 34 B.T. Road, Calcutta.	Asbestos cement building pipes and fittings of 50 mm, 63.5 mm, 76.2 mm, 100 mm and 152.4 mm internal dia— IS : 1626—1960	
117. CM/L-2106 8-10-1969	16-6-1974	15-1-1975	Mukand Iron & Steel Works Ltd., Agra Road, Kurla, Bombay-70.	Cold twisted deformed steel bars for concrete reinforcement— IS : 1786—1966	
118. CM/L-2144 19-11-1969	1-6-1974	30-11-1974	B.R. Herman & Mohatta (I) Pvt. Ltd., Ludhiana (Punjab).	Sand cast soil pipes, 75 mm and 100 mm size only— IS : 1729—1964	
119. CM/L-2283 20-3-1972	1-4-1974	30-9-1974	Ashoka Tin Factory, XVII/281 Jews St. Ernakulam Cochin-11.	Tea chest metal fittings. IS : 10—1970	
120. CM/L-2284 20-3-1970	1-4-1974	31-3-1975	Assam Railways & Trading Co. Ltd., P.O. Margherita, Distt. Lakhimpur (Upper Assam).	Tea-Chest battens— IS : 10—1970	

(1)	(2)	(3)	(4)	(5)	(6)
121. CM/L-2290 24-3-1970	1-4-1974	31-3-1975	Mascot & Co., 35/C, Chaulpatty Road, Calcutta-10.	Tea-chest metal fittings— IS : 10—1970	
122. CM/L-2371 22-7-1970	1-4-1974	30-9-1974	Avadh Plywood Industries, Bahraich Road, Gonda(U.P.)	Tea-Chest plywood panels— IS : 10—1970	
123. CM/L-2426 14-10-1970	1-4-1974	31-3-1975	Bharat Pulverising Mills, Pvt. Ltd., Chinchpokli, Cross Lane, Byculler, Bombay-8.	DDT WDP— IS : 565—1961	
124. CM/L-2430 20-10-1970	16-4-1974	15-4-1975	Rock Weld Electrodes India Ltd., 29, Industrial Estate, Ambattur, Madras-58.	Covered electrodes for metal arc welding of mild steel normal penetration type— IS : 814—1970	
125. CM/L-2448 4-11-1970	1-11-1973	31-10-1974	Electrical Cables & Conductors Pvt. Ltd., 41, Biren Roy Road, East Behala, Calcutt-8.	All aluminium conductors and ACSR conductors— IS : 398—1961	
126. CM/L-2512 20-1-1971	1-4-1974	30-9-1974	Multiweld wire Co. Pvt. Ltd 59, Marol-Maroshi Road, Marol, Bombay-59.	Welding steel wire fabric for general use— IS : 4948—1968	
127. CM/L-2588 15-3-1971	16-3-1974	15-3-1975	Anglo-India Jute Mills Co. Ltd., (Lower Mills) 31, Netaji Subhash Road, Calcutta.	Jute Carpet backing fabric— IS : 4900—1969	
128. CM/L-2590 15-3-1971	16-3-1974	15-9-1974	Bally Jute Co. Ltd., (Mill No. 1) 15, India Exchange Place, Calcutta.	(i) A-Twill—IS : 1943—1964 (ii) B-Twill—IS : 2566—1965 (iii) B-Twill cloth—IS : 3667—1966	
129. CM/L-2620 29-3-1971	1-4-1974	31-3-1975	Birla Jute Mfg. Co., Birlapur, 24, Parganas (W.B.)	(i) A-Twill—IS : 1943—1964 (ii) B-Twill—IS : 2566—1965	
130. CM/L-2621 29-3-1971	1-4-1974	31-3-1975	King Electroplating Works, 43, Fores Road, Bombay-8.	Wrought aluminium utensiles, Grade SIC— IS : 21—1959	
131. CM/L-2633 29-3-1971	1-4-1974	31-3-1975	Prabhat Iron Foundry & Metal Industries (P) Ltd., C-8, Industrial Estate, Rourkela-4 (Orissa).	Sand cast iron soil pipes (straight) upto 150mm, nominal size— IS : 1729—1964	
132. CM/L-2662 13-4-1971	1-5-1974	30-4-1975	The Travancore Sugers and Chemicals Ltd., Tiruvalla-4, (Kerala).	Brandies— IS : 4450—1967	
133. CM/L-2670 23-4-1971	1-5-1974	30-4-1975	Shri Ambica Cylinder Manufacturing Co., (A Division of Shri Ambica Mills Ltd.,) Vatra, Taluka Daskoi, Distt. Ahmedabad.	Welded low carbon steel gas cylinders of 33.3 litres water capacity for the storage and transportation of low pressure liquefiable gases— IS : 3196—1968	
134. CM/L-2678 7-5-1971	16-5-1974	15-5-1975	New Central Jute Mills Co. Ltd., (Unit Albion) Budge Budge 24, Parganas (W.B.)	(i) Jute bags for packing cement— IS : 2580—1961 (ii) D.W. flour Jute Cloth— IS : 3966—1967 (iii) D.W. flour bags— IS : 3984—1967	
135. CM/L-2681 17-5-1971	1-6-1974	30-11-1974	Ram Parshad Shadi Ram, 24, Industrial Area, Chandigarh.	Cast iron soil pipes, 100 mm size only— IS : 1729—1964	
136. CM/L-2687 25-5-1971	1-6-1974	31-5-1975	Deval Utensils Factory, 15/1, Karve Road, Poona-4 (Maharashtra).	Electroplated coatings of silver for decorative and protective purposes— IS : 1067—1968	
137. CM/L-2690 2-6-1971	1-6-1974	31-5-1975	Prakash Engineering Co., Mettupalayam Road, Sai Baba Mission P.O., Coimbatore-11 (Tamil Nadu).	Three-phase induction motors up to 3.7kW 5 (hp) with class 'A' insulation— IS : 325—1970	
138. CM/L-2702 15-6-1971	16-6-1974	15-6-1975	Jolly Steel Industries Pvt. Ltd., 32, Nagar Road, Poona-14.	Cold twisted deformed steel bars for concrete reinforcement— IS : 1786—1966	
139. CM/L-2729 4-8-1971	16-4-1974	15-4-1975	R. Ponnuswamy Naidu & Sons, 12/10, Krishnaswamy Mudaliar Road, Coimbatore-2 (Tamil Nadu).	Tea-Chest metal fittings— IS : 10—1970	
140. CM/L-2738 16-8-1971	1-6-1974	31-5-1975	Skytone Electricals (India) 43, Industrial Area, Faridabad (Haryana).	PVC insulated (heavy duty) electric cables for working voltages up to and including 1100 volts— IS : 1554 (Part I)—1964	
141. CM/L-2802 8-11-1971	1-5-1974	31-10-1974	J.K. Steel & Industries Ltd., Rishra Distt. Hooghly, (West Bengal).	Cold rolled steel strips (box strappings)— IS : 5872—1973	
142. CM/L-2883 24-1-1972	16-4-1974	15-4-1975	Kala Parishat, A.T. Agraharam, Guntur-4 (A.P.)	Dye-based fountain pen ink— IS : 1221—1971	

(1)	(2)	(3)	(4)	(5)	(6)
143. CM/L-2969 10-3-1972		1-4-1974	31-3-1975	Concord Arai Private Ltd., Ukkiam, Thoraippakkam Village, Madras-20.	Non-metal helmets for civil defence— IS : 2300—1968
144. CM/L-2973 14-3-1972		16-3-1974	15-3-1975	Agarwal Steel Industries, Marol- Moroshi Road,, Marol, Bombay-58.	Structural steel (standard quality)— IS : 226—1969
145. CM/L-2974 14-3-1972		16-3-1974	15-3-1975	Do.	Structural steel (ordinary quality)— IS : 1977—1969
146. CM/L-2983 16-3-1972		1-4-1974	31-3-1975	Concord Arai Pvt. Ltd., Ukkiam, Tho- raippakkam Village, Madras-20.	Protective helmets for scooter and motor cycle riders— IS : 4151—1968
147. CM/L-3024 30-3-1972		1-4-1974	31-3-1975	Andhra Steel Corpn. Ltd., Moula Ali, Hyderabad-40 (A.P.)	Cold twisted deformed steel bars for concrete reinforcement— IS : 1786—1966
148. CM/L-3025 30-3-1972		1-4-1974	31-3-1975	Suthern Steel Ltd., Moula Ali, Hydera- bad-40.	Cold rolled steel strips (box strappings)— IS : 5872—1970
149. CM/L-3028 30-3-1972		16-4-1974	15-10-1974	Vijay Industries, 70, Dharamtolla Road, P.O. Chusuri, Salkia Howrah.	Galvanized steel barbed wire for fencing— IS : 278—1969
150. CM/L-3029 30-3-1972		1-4-1974	31-3-1975	Sulakh Ram & Sons Steel Rolling Mills Vallabh Nagar Odhaw Road, Ahme- dabad-21.	Structural steel (standard quality)— IS : 226—1969
151. CM/L-3030 30-3-1972		1-4-1974	31-3-1975	Do.	Structural steel (ordinary quality)— IS : 1977—1969
152. CM/L-3042 11-4-1972		16-4-1974	15-4-1975	Free India Plywood Co., Cheruvannur, Feroke (Kerala).	Tea-chest plywood panels— IS : 10—1970
153. CM/L-3044 28-4-1972		1-5-1974	30-4-1975	British India Rolling Mills, 109 Girish Ghose Road, Bellurmath, Howrah.	Structural steel (standard quality)— IS : 226—1969
154. CM/L-3045 28-4-1972		1-5-1974	30-4-1975	Do.	Structural steel (ordinary quality)— IS : 1977—1969
155. CM/L-3046 28-4-1972		1-5-1974	30-4-1975	Travancore Chemical & Manufactur- ing Co. Ltd., Gonur P.O. Mettur Dam R.S. (Tamil Nadu).	Precipitated barium carbonate— IS : 3205—1965
156. CM/L-3053 28-4-1972		1-5-1974	30-4-1975	Meenakshi Steel Rolling Mills (P) Ltd., Salt Pan Road, Wadala, Bombay-31.	Structural steel (standard quality)— IS : 226—1969
157. CM/L-3054 28-4-1972		1-5-1974	30-4-1975	Do.	Structural steel (ordinary quality)— IS : 1977—1969
158. CM/L-3056 23-4-1972		1-5-1974	30-4-1975	Ashapura Electricals, Aramda Indus- trial Estate, Mithapur (W. Rly) Distt. Jamnagar (Gujarat).	PVC insulated cables : (i) Single core, unsheathed and sheathed, 250/440 volts and 650/1100 volts grade with aluminium conductor; and (ii) Four core, sheathed, 650/1100 volts grade with aluminium conductors— IS : 694 (Part II)—1964
159. CM/L-3060 9-5-1972		16-5-1974	15-5-1975	Gujarat State Co-operative Marketing Society Ltd., Naral, Narolvatwa Road, Ahmedabad.	DDT DP— IS : 564—1961
160. CM/L-3064 9-5-1972		16-5-1974	15-5-1975	R. Gac Electrodes Ltd., Golf Links Road, Kawadiar, Trivandrum-3 (Kerala).	Covered electrodes for metal arc welding of structural steel— IS : 814—1970
161. CM/L-3068 19-5-1972		16-5-1974	15-5-1975	Shree Laxmi Iron & Steel Works Pvt. Ltd., 88, Rabindra Sarani Liluah, Howrah.	Structural steel (standard quality)— IS : 226—1969
162. CM/L-3069 19-5-1972		16-5-1974	15-5-1975	Do.	Structural steel (ordinary quality)— IS : 1977—1969
163. CM/L-3082 14-6-1972		16-6-1974	15-6-1975	Madhya Pradesh Iron & Steel Works Pvt. Ltd., Nandini Road, Bhilai-1 (M.P.)	Structural steel (ordinary quality)— IS : 1977—1969
164. CM/L-3092 3-7-1972		16-3-1974	15-9-1974	The Mysore Iron & Steel Ltd., Bhadra- vati (Karnataka).	Cold twisted deformed steel bars for concrete reinforcement— IS : 1786—1966
165. CM/L-3101 13-7-1972		1-7-1974	30-6-1975	Hindustan National Glass & Industries, Bhadurgarh, Distt. Rohtak (Har- yana).	Glass milk bottles, 500 ml only— IS : 1392—1971
166. CM/L-3167 22-9-1972		1-4-1974	30-9-1974	Laxmi Metal works, Sarai Hakim, Laxmi Bhawan, Aligarh (U.P.)	Mortice locks (vertical type) 66 mm size, 2 liver— IS : 2209—1970

(1)	(2)	(3)	(4)	(5)	(6)
167. CM/L-3267 3-1-1973	1-1-1974	30-6-1974	Acumac Engineers & Manufacturers, A-22, H.M.T. Industrial Estate, Bangalore-31.	Live centres— IS : 3793—1966	
168. CM/L-3309 29-1-1973	16-6-1974	15-12-1974	Pathankote Industries Pvt. Ltd., Dhangu Road, Patahankote (Pb.)	Plywood tea-chest battens— IS : 10—1970	
169. CM/L-3360 14-3-1973	16-3-1974	15-3-1975	Prakalp Pvt. Ltd., Plot No. 3, M.I.D.C. Industrial Estate, Chikalthana, Distt. Aurangabad (Maharashtra).	Cast iron fittings for pressure pipes for water gas and sewage— IS : 1538—1969	
170. CM/L-3370 27-3-1973	1-4-1974	31-3-1975	Indore Steel & Iron Mills, 340 G.T. Road, Shahdara, Delhi.	Cold twisted deformed steel bars for concrete reinforcement— IS : 1786—1966	
171. CM/L-3376 30-3-1973	1-4-1974	30-4-1975	Madura Mills Co. Ltd., New Jail Road, Madurai (T.N.)	Cotton canvas (variety No. 2)— IS : 1424—1970	
172. CM/L-3377 5-4-1973	16-4-1974	15-4-1975	Hansur Plywood Works Pvt. Ltd., Hansur, (Karnataka).	Plywood for general purposes CWR Grade— IS : 303—1960	
173. CM/L-3382 6-4-1973	16-4-1974	15-4-1975	Kirloskar Brothers Ltd., Kirloskarvadi, Distt. Sangli. (Maharashtra).	Horizontal centrifugal pumps for clear, cold, fresh water for agricultural purpose of the following sizes— 100 mm x 100 mm 80 mm x 65 mm 65 mm x 50 mm IS : 6595—1972	
174. CM/L-3393 26-4-1973	1-4-1974	31-3-1975	The Paushik Ltd., Alembic Road, Baroda-390003.	Parathion EC— IS : 2129—1962	
175. CM/L-3395 26-4-1973	1-4-1974	31-3-1975	Do.	BHC WDP— IS : 562—1962	
176. CM/L-3396 30-4-1973	1-5-1974	31-10-1974	New Taj Industries, 7231, Gali Garahia Iddgah Road, Qassaeppura, Delhi.	Door closers (hydraulic ally regulated), size 2 only— IS : 3564—1970	
177. CM/L-3399 30-4-1973	1-5-1974	30-4-1975	Partap Steel Rolling Mills (Amritsar) Pvt. Ltd., Chheharta (Pb.)	Structural steel (standard quality)— IS : 226—1969	
178. CM/L-3403 30-4-1973	1-5-1974	15-1-1975	Sandoz (India) Ltd., Sandoz Baug Post Office, Kolshet, Thana (Maha- rashtra).	Endrin EC— IS : 1310—1958	
179. CM/L-3405 1-5-1973	16-5-1974	15-5-1975	Apeezy Structural Ltd., P.O. Raj- bandh, Distt. Burdwan (W. Bengal).	Welded low carbon steel gas cylinders of 26.9 litres and 33 litres water capacity for storage and transportation of flue- fiable petroleum gases— IS : 3196—1968	
180. CM/L-3414 11-5-1973	1-5-1974	30-4-1975	New Chemi Industries Pvt. Ltd., Ashok Nagar Corss Road No. 1, Kandiv- valce (East) Bombay-400017.	Endrin EC— IS : 1310—1958	
181. CM/L-3418 14-5-1973	16-5-1974	15-5-1975	United Wire Ropes Ltd, Maruti- kumar Road, Thana-6 (Maharash- tra).	Steel-wire for the core of steel cored alumi- nium conductors up to and including 3.00 mm size— IS : 398-1961	
182. CM/L-3419 15-5-1973	16-5-1974	15-5-1975	Karnatak Steel Wire Products Ltd, 11th Mile, Mysore Road, Kengeri, Ban- galore South	Mild steel wires for armouring cables— IS : 3975-1967	
183. CM/L-3420 15-5-1973	16-5-1974	15-5-1975	Agarwal Hardware Works Pvt. Ltd, 5/1, B, M.M. Feeder Road, Bel- gharia, 24 Parganas (W.B.)	Cold twisted deformed steel bars for con- crete reinforcement— IS : 1786-1966	
184. CM/L-3425 25-5-1973	1-6-1974	31-5-1975	National Co. Ltd, 18-A Brabourne Road, Calcutta.	Indian hessian— IS : 2818-1971	
185. CM/L-3427 28-5-1973	1-6-1974	31-12-1974	Power Cables Pvt. Chhani Road, Opp. W. Rly, 'D' Cabin, Baroda-2, (Gujarat).	Polyethylene insulated and PVC sheathed cables, 250/440 volts grade with alumi- nium conductor— IS : 1596-1970	
186. CM/L-3428 28-5-1973	1-6-1974	31-5-1975	Velumani Engineering Industry, 9/1, Mettupalayam Road, Tudiyalur P. O., Coimbatore-11 (Tamil Nadu).	Vertical diesel engines of the followings rating 3.7 KW (5 hp), 1500 r.p.m. V-1 type— IS : 1601-1960	
187. CM/L-3444 21-6-1973	16-6-1974	15-12-1974	Hindustan Thermostatics, 45, Mahesh Nagar, Ambala Cantt.	Apparatus for determination of milk fat, 10% scale, plain milk— IS : 1223 (Part I)-1970	

नई दिल्ली, 19 दिसम्बर, 1975

क्र० प्र० 461.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन विज्ञान) विनियम 1955 के विनियम, 5 के उपविनियम (1) के अनुसार अधिसूचित किया जाता है कि जिन भारतीय मानकों के ध्योरे नीचे अनुसूची में दिये हैं, वे रद्द कर दिये गये हैं और अब वापस माने जायें :—

अनुसूची

क्रम संख्या	रद्द किये गये भारतीय मानक की पद-संख्या और शीर्षक	भारत के राजपत्र की एस०ओ० संख्या तथा तिथि जिसमें भारतीय मानक के निर्धारित होने की सूचना छपी थी	विवरण
1. IS : 1021-1964	कास्टिक सोडा, शुद्ध की विशिष्टि (पुनरीक्षित)	भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii) दिनांक 5 दिसम्बर, 1964 में एस० ओ० 4120 दिनांक 23 नवम्बर, 1964 के अन्तर्गत प्रकाशित।	IS : 252-1973 कास्टिक सोडा, तकनीकी की विशिष्टि के प्रकाशन के बाद यह मानक रद्द कर दिया गया है।
2. IS : 3697-1966	गाबदुम रोलर बियरिंग की सीमा मापों की विशिष्टि।	भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) दिनांक 18 मार्च, 1967 में एस० ओ० 913 दिनांक 7 मार्च, 1967 के अन्तर्गत प्रकाशित।	IS : 7460-1974 गाबदुम रोलर बियरिंग की छूट और IS : 7461-1974 गाबदुम रोलर बियरिंग की सीमा मापों की विशिष्टि के प्रकाशन के बाद यह मानक रद्द कर दिया गया है।

[सं० सी० एम० डी०/13 : 7]

New Delhi, the 9th December, 1975

S.O. 461.—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, it is, hereby, notified that the Indian Standards, particulars of which are mentioned in the Schedule given hereafter, have been cancelled and stands withdrawn :

SCHEDULE

Sl. No. & Title of the Indian Standard Cancelled	S.O. No. & Date of the Gazette Notification in which Establishment of the Indian Standard was Notified	Remarks
1. IS : 1021-1964 Specification for caustic soda, pure (revised)	S.O. 4120 dated 23 November, 1964 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 5 December, 1964.	Cancelled in view of publication of IS : 252-1973 Specification for caustic soda, technical (Second revision).
2. IS : 3697-1966 Specification for boundary dimensions for tapered roller bearings	S.O. 913 dated 7 March, 1967 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 18 March, 1967.	Cancelled in view of publication of IS : 7460-1974 Tolerance for tapered roller bearings and IS : 7461-1974 General plan of boundary dimensions for tapered roller bearings.

[No. CMD/13 : 7]

नई दिल्ली, 26 दिसम्बर, 1975

क्र० प्र० 462.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन विज्ञान) विनियम, 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सी०एम०/एल०-4711 जिसके ध्योरे नीचे अनुसूची में दिये हैं, 30 नवम्बर, 1975 स फार्म द्वारा अपना नाम बदल देने के कारण रद्द कर दिया गया है :—

अनुसूची

क्रम लाइसेंस संख्या संख्या और तिथि	लाइसेंसधारी का नाम और पता	रद्द किये गये लाइसेंस के अधीन वस्तु/प्रक्रिया	तत्संबंधी भारतीय मानक
1. सी एम/एल-4711 15-10-75	दि बल्लारपुर पेपर एण्ड स्ट्रॉ बोर्ड मिल्स लि०, बल्लारपुर, जिला चन्द्रापुर (महाराष्ट्र)	छपाई का सफेद कागज मार्क : "सी एजेज"	IS : 1848-1971 लिखाई और छपाई के कागज की विशिष्टि (पहला पुनरीक्षण)

[सं० सी०एम०डी०/55 : 4711]

New Delhi, the 26th December, 1975

S.O. 462.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks), Regulations, 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L-4711 particulars of which are given below has been cancelled with effect from 30 Nov. 1975 on account of/due to Change in the name of the firm :—

SCHEDULE

Sl. No.	Licence No. and Date	Name & Address of the Licensee	Article/Process Governed by the Licensees Cancelled	Relevant Indian Standard
1.	CM/L-4711 15-10-75	The Ballarpur Paper and Straw Board Mills Ltd., Ballarpur, District Chandrapur (Maharashtra)	White Printing Paper Brand : "THREE ACES"	IS : 1848-1971 Specification for Writing and Printing Papers (First Revision)

[No. CMD/55 : 4711]

नई दिल्ली, 29 दिसम्बर, 1975

क्रा० प्रा० 463.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 3 के उपविनियम (2) और (3) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि नीचे अनुसूची में जिन मानकों के खोरे दिये गये हैं, वे उनके प्राये की गई स्थितियों को निर्धारित किये गये हैं :—

अनुसूची

क्रम	निर्धारित भारतीय मानकों की पदसंख्या और शीर्षक संख्या	नए भारतीय मानक द्वारा रद्द किए हुए भारतीय मानक की पदसंख्या और शीर्षक	संक्षिप्त विवरण
(1)	(2)	(3)	(4)
1.	IS : 21-1975 बर्तन बनाने के लिए पिट्टा एलुमिनियम और एलुमिनियम मिश्रधातु की विशिष्टि (तीसरा पुनरीक्षण)	*IS : 21-1959 बर्तन बनाने के लिए पिट्टा एलुमिनियम और एलुमिनियम मिश्र धातु की विशिष्टि (दूसरा पुनरीक्षण)	30 अप्रैल, 1975 को निर्धारित किया गया। *भारतीय मानक संस्था (प्रमाणन चिह्न) योजना कार्यों के लिए IS 21-1959 31 अक्टूबर, 1975 तक IS : 21-1975 के साथ-साथ लागू रहेगा।
2.	IS : 337-1975 भीतरी फिनिश देने के लिए बार्निश की विशिष्टि (पहला पुनरीक्षण)	IS : 337-1952 भीतरी फिनिश देने के लिए बार्निश की विशिष्टि	31 जुलाई, 1975 को निर्धारित किया गया।
3.	*IS : 3976-1975 खनिकों के लिये रखड़ कैनवस बचाव बूटों की विशिष्टि (पहला पुनरीक्षण)	IS 3976-1967 खनिकों के लिए रखड़ कैनवस बचाव बूटों की विशिष्टि	31 जुलाई, 1975 को निर्धारित किया गया। *क्रा० मा० संस्था प्रमाणन मुहर योजना के लिये IS : 3976-1975, 1 नवम्बर, 1975 से लागू हो जायेगा।

[संख्या सी० एम० डी०/13 : 2]

New Delhi, the 29th December, 1975

S.O. 463.—In pursuance of sub-rule (2) of Rule 3 and Sub-regulations (2) and (3) of regulation 3 of Indian Standards Institution (Certification Marks) Rules and Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard (s), particulars of which is/are given in the Schedule hereto annexed, has/have been established on the dates shown against each.

SCHEDULE

Sl. No.	No. and Title of the Indian Standards Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Remarks, if any
(1)	(2)	(3)	(4)
1.	IS : 21-1975 Specification for wrought aluminium and aluminium alloys for manufacture of utensils (Third Revision)	*IS : 21-1959 Specification for wrought aluminium and aluminium alloy for utensils (Second Revision)	Established on 30 April, 1975. *For purposes of ISI Certification Marks Scheme ; IS : 21-1959 shall run concurrently with IS : 21-1975 up to 31 Oct., 1975.

(1)	(2)	(3)	(4)
2. IS : 337-1975 Specification for varnish, finishing, interior (First Revision)	IS : 337-1952 Specification for varnish, finishing, interior	Established on 31 July, 1975.	
3. *IS : 3976-1975 Specification for safety rubber-canvas boots for miners (First Revision)	IS : 3976-1967 Specification for safety rubber-canvas boots for miners	Established on 31 July, 1975.	*For purposes of ISI Certification Mark Scheme IS : 3976-1975 shall come into force with effect from 1 Nov., 1975.

[No. CMD/13 : 2]

क्र० अ० 464.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन मुहर) विनियम, 1955 के विनियम 8 के उपविनियम (1) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि नीचे अनुसूची में विवरण सहित दिये गये 141 लाइसेंसों का नवीकरण भादू फरवरी, 1974 में किया गया है :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या और तिथि	वैधता की तिथि		लाइसेंसधारी का नाम और पता	लाइसेंस के अधीन वस्तु/प्रक्रिया और तत्सम्बन्धी भारतीय मानक
		से	तक		
(1)	(2)	(3)	(4)	(5)	(6)
1. सी एम/एल-39 4-11-1957	1-2-1974	31-1-1975		राष्ट्रीय मेटल इंडस्ट्रीज लि०, कुरला रोड, पिटवां एलुमिनियम और एलुमिनियम मिश्रधातु अंधेरी (पूर्व), बम्बई-41	के बत्तन IS : 21-1959
2. सी एम/एल-40 4-11-1957	1-2-1974	31-1-1975		,,	पिटवां एलुमिनियम और एलुमिनियम मिश्रधातु की बट्टरें, पलियां और गोले— IS : 21-1959
3. सी एम/एल-52 20-1-1958	1-2-1974	31-1-1975		दि सासाबार प्लाईवुड वर्क्स, चेन्नयूर, चाय की पेटियों के लिए प्लाईवुड के तख्ते— फेरोक (केरल)	IS : 10-1970
4. सी एम/एल-57 20-1-1958	1-2-1974	31-1-1975		असम बैली प्लाईवुड प्रा० लि०, 67 बी, नेताजी सुभाष रोड, कलकत्ता-1	चाय की पेटियों के लिए प्लाईवुड के तख्ते— IS : 10-1970
5. सी एम/एल-114 19-1-1959	1-2-1974	31-1-1975		वीनस प्लाईवुड कंपनी, नेम्मारा, पालघाट जिला (केरल)	चाय की पेटियों के लिए प्लाईवुड के तख्ते— IS : 10-1970
6. सी एम/एल-156 20-11-1959	16-1-1974	15-1-1975		सुलेखा वर्क्स लि०, सुलेखा पार्क, जादवपुर कलकत्ता-32	फेरो गैलो डेनैट फाउंटेन पेन की स्पाही (0.1 प्रतिशत लोहयुक्त)— IS : 220-1972
7. सी एम/एल-158 15-1-1960	1-2-1974	31-1-1975		दि एलुमिनियम इंडस्ट्रीज लि०, हीराकुड, मम्बलपुर जिला (उड़ीसा)	पूर्ण एलुमिनियम बालक और दस्यान की कोर वाले एलुमिनियम बालक IS : 398-1961
8. सी एम/एल-226 16-9-1960	16-1-1974	15-1-1975		सुलेखा वर्क्स लि०, सुलेखा पार्क, जादवपुर, कलकत्ता-32	रजकों से बनी फाउंटेन पेन की स्पाही (नीली, हरी, गुलाबी, काली और लाल) IS : 1221-1971
9. सी एम/एल-244 28-11-1960	16-1-1974	15-1-1975		इंडियन प्लास्टिक्स लि०, पायनर ब्रिज, कांड़ीवली, बम्बई-67	सामान्य कार्यों के लिए फेबोलिक फार्मालिडहाइड (हवाई पाउडर) ग्रेड 1 और 3 IS : 1300-1966

(1)	(2)	(3)	(4)	(5)	(6)
10. सी एम/एल-272 10-2-1969	16-2-1974	15-2-1975	साइब्रगंज इलेक्ट्रिक केबल्स लि०, आयल इंस्टालेशन रोड, पहाडपुर, कलकत्ता-43	पूर्ण एलुमिनियम चालक और इस्पात की कोर वाले एलुमिनियम चालक— IS : 398-1961	
11. सी एम/एल-477 29-11-1962	1-1-1974	30-6-1974	शालीमार टार प्राइवेट (1935) लि०, पी-46, हाइड सैंड एक्सटेंशन, खिबरपुर, कलकत्ता-23	जल सह बनाने के कार्यों के लिए विट्यूमेन (प्लास्टिक)— IS : 1580-1969	
12. सी एम/एल-479 29-11-1962	1-1-1974	31-12-1974	„	कंक्रीट में प्रसार जोड़ों के लिए पूर्वनिर्मित फिलर, लचकोले प्रकार के और दबाकर बाहर न निकलने वाले (विट्यूमेन मिश्राए रेजे)— IS : 1838-1961	
13. सी एम/एल-496 9-1-1963	16-3-1974	15-9-1974	सर्वजीत इलेक्ट्रिक वर्क्स, रुका रोड, गोराया उत्तर रेलवे (जिला जलंधर)	सामान्य इयुटी वाले मिश्रित इकाइयों के एयर ब्रेक स्विच और फ्यूज : 15 अम्पी, 250 बोल्ड एम इ एम प्रकार के फ्यूज आधार और बाहक— IS : 4064-1967	
14. सी एम/एल-503 24-1-1963	1-2-1974	31-7-1974	बी० डी० खेतान एंड कम्पनी 29, कोचूतला स्ट्रीट, कलकत्ता	चाय की पेटियों के लिए धातु के फिटिंग— IS : 10-1970	
15. सी एम/एल-612 31-12-1963	1-2-1974	31-1-1975	नेशनल रिफाइनरी प्रा० लि०, 205/207, स्वामी विवेकानन्द रोड, जोगेश्वरी, बम्बई-60	निम्नलिखित मार्का के चांदी तारे मिश्रधातु— (1) लूनोल 440 (2) लूनोल 510 और (3) लूनोल 626 IS : 2927-1964	
16. सी एम/एल-613 31-12-1963	1-2-1974	31-1-1975	बेन्नर (इंडिया) लि०, कोलशेट रोड, धाना (महाराष्ट्र)	पैराथियोन पायसनीय तेजद्रव— IS : 2129-1962	
17. सी एम/एल-631 21-2-1964	1-2-1974	31-1-1975	„	स्थिरकृत मिथाक्सी क्याइल पारा क्लोराइड तेजद्रव से बने योगिक— IS : 2358-1963	
18. सी एम/एल-632 21-2-1964	1-2-1974	31-1-1975	„	बीजों में लगाने की कार्बनिक पारे से बनी दवायें— IS : 3284-1963	
19. सी एम/एल-654 28-4-1964	1-3-1974	28-2-1975	श्री बैंकटेश्वर मिनरल्स (प्रा०) लि०, हलैया- मुवाली स्ट्रीट, टौडियारपेट, मद्रास-21	बी एच सी धूलन पाउडर — IS : 561-1962	
20. सी एम/एल-678 29-5-1964	16-2-1974	15-2-1975	अंकार इंडस्ट्रीज, जेसोद रोड, मध्यप्राम, 24-परगना	एन्ड्रित पायसनीय तेजद्रव— IS : 1310-1958	
21. सी एम/एल-730 29-6-1964	1-2-1974	31-1-1975	नवभारत स्टील रोलिंग मिल्स, बम्बई-भागरा रोड, मांडुप, बम्बई-78	संरचना इस्पात (मातक किस्म)— IS : 226-1969	
22. सी एम/एल-731 29-6-1974	1-2-1974	31-1-1975	नवभारत स्टील रोलिंग मिल्स, बम्बई-भागरा रोड, मांडुप, बम्बई-78	संरचना इस्पात (साधारण किस्म)— IS : 1977-1964	
23. सी एम/एल-756 12-8-1964	1-3-1974	28-2-1975	श्री बैंकटेश्वर मिनरल्स प्रा० लि०, 3, हलैया मुवाली स्ट्रीट, टौडियारपेट, मद्रास-21	डी डी टी धूलन पाउडर— IS : 564-1961	
24. सी एम/एल-834 9-11-1964	1-2-1974	31-1-1975	स्पेशल स्टील्स लि०, दलपाड़ा रोड, बोरीवली (पूर्व), बम्बई-92	शिरापरिपावर प्रेषण कार्यों के लिए इस्पात की कोर वाले एलुमिनियम चालकों की कोर के लिए इस्पात का तार— IS : 398-1961	

(1)	(2)	(3)	(4)	(5)	(6)
25. सी एम/एल-987 29-12-1964	1-2-1974	31-1-1975	राजाबहादुर मोनीलाल पूना मिल्स लि०, 5, राजाबहादुर मोनी लाल रोड, पूना-1	(क) ड्राफ्टिंग मशीनों के साथ उपयोग के लिए स्टैंड— (ख) ड्राफ्टिंग मशीनों के साथ उपयोग के लिए प्रोटैक्टर (चांदे) के सिरे और पैमानों सहित ड्राफ्टिंग इकाइयाँ— (ग) 360. प्रोटैक्टर (चांदे) के सिर सहित ड्राफ्टिंग इकाई— IS : 2287-1970	
26. सी एम/एल-989 31-12-1964	1-2-1974	31-1-1975	स्पेशल स्टील्स लि०, दत्तवाड़ा रोड, बोरीवली (पूर्व) बम्बई-92	पूर्व प्रचलित कंक्रीट के लिए सादे सफ्त खिंचे इस्पात के तार : (क) ठंडे खिंचे प्रतिबल युक्त तार— IS : 1785(भाग 1)—1966 (ख) एलुमिनियम इस्पात के खिंचे तार— IS : 1785(भाग 2)—1967	
27. सी एम/एल-999 29-1-1965	16-2-1974	15-8-1975	राजस्थान इंडस्ट्रियल एंड सांस्टिटिक कार- पोरेशन 39, इंडस्ट्रियल एरिया, जोत- वाड़ा (पूर्व) जयपुर	(भरेलू प्रकार के) 15 मिमी साइज के पानी के सीटर IS : 779-1968	
28. सी एम/एल-1020 4-3-1965	16-2-1974	15-2-1975	इंडोवन मिल्क प्राइक्टम लि०, बुढाना रोड, मुजफ्फर नगर (उ० प्र०)	संघनित दूध, पूर्णक्रीम, मीठा— IS : 1166-1957	
29. सी एम/एल-1152 12-10-1965	1-2-1974	31-1-1975	बेअर (इंडिया) लि०, कोल शेट रोड, थाना	मिथाइल पैराफियोम पायसनीय तेजप्रव— IS : 2865-1964	
30. सी एम/एल-1156 20-10-1965	1-1-1974	30-6-1975	ट्रेको केबल कंपनी लिमिटेड, हरिमपमम् तिरुवंकुलाम् गांव, कन्याभूर, एर्णाकुलम जिला (केरल)	1100 बोल्ट तक कार्यकारी बोल्टता के तांबा या एलुमिनियम बालकों वाले पी वी सी रोधित (भारीड्यूटी) केबल— IS : 1554 (भाग 1)—1964	
31. सी एम/एल-1196 10-1-1966	1-1-1974	31-12-1974	इ० आई० डी पैरी लि० रानीपेट (उत्तर मार्काट जिला) (तमिलनाडु)	कांचाभ सेनीटरी संसाधन (चीनी मिट्टी के)— IS : 2556 (भाग 1 से 10)—1967 (1) पनखुडडी के लिए पानी की टंकिया ; नमूना एल, आगे और पीछे की 400 मिमी ऊंचाई वाली (पीट्रैप और एस ट्रैप लगी) (2) 580×440 मिमी और 630×450 मिमी साइज की उड़ीसा नमूने की बैठने की टट्टियां ; 580×680 मिमी (लम्बे पैन वाली बैठने की टट्टियां) (3) वाशबेसिन (क) चपटे पृष्ठवाले—साइज 660×460 मिमी (अस्पतालों में उप- योग के लिए), साइज 550×440 मिमी, साइज 630×450 मिमी (जमुना शौचा- लय नुमा), साइज 450×300 मिमी (तुंग बेसिन) ; (ख) कोनिया पृष्ठ वाले साइज 600×480 मिमी और 400× 400 मिमी (कोने का बेसिन) और (ग) लम्बे पाद आधार वाली (4) प्रयोगलाया के नाद, साइज 450×300 × 150 मिमी और 500×300×150 मिमी	

(1)	(2)	(3)	(4)	(5)	(6)
					(5) चपटी पीठ वाले कटोरिनुमा मूलालय, साइज 430×260×350 ; मिमी बैठने की पट्टी साइज 600×350 मिमी
					(6) अर्धे गोलाकार सादी मालियां
					(7) माइफन नुमा पनखुडडी के डब्ल्यू सी (फलन की टंकिया लगी) डकहरी और बूहरी एम ट्रेप और पी ट्रेपवाली
					(8) विडिफ्ट बिजेट : (क) छोटे साइज (ख) चार छेद वाले बड़े साइज
					(9) पायदान
					(10) किंग मिग्नर वाशवेसिन साइज 550×400 मिमी डकहरी टॉपी के छेद वाले
					IS : 2556 (भाग 4)—1967
32. सी एम/एल-1206 4-2-1966	1-3-1974	31-8-1974	यू० पी० केबल कम्पनी, 4 डी एल एफ इंड-स्ट्रियल एरिया, नजफगढ़ रोड, नई दिल्ली-15	पी बी सी रोहित केबल-- IS : 694 (भाग 1 और 2)—1964	
33. सी एम/एल-1231 25-3-1966	1-2-1974	31-1-1975	सोशल स्टील्स लिमिटेड, वत्तापाड़ा रोड, बोरीकली (पूर्व) बम्बई-92	(क) बिजली के केबलों के लिए जस्ता चूड़े गोल कवच वाले तार-- IS : 434 (भाग 2)—1964 और (ख) केबलों पर कवच चढ़ाने के लिए मुबु हस्यात के तार और पत्तियां-- IS : 3975-1967	
34. सी एम/एल-1319 29-8-1966	6-1-1974	15-1-1975	हुकार्ट एण्ड कम्पनी प्रा० लि०, 83, तपसिया रोड (दक्षिण) कलकत्ता-46	जलसह बनाने के लिए समेकित सीमेंट का मसाला IS : 1834-1961	
35. सी एम/एल-1323 31-8-1966	1-1-1974	31-12-1974	शालीमार टार प्राइवेट (1935) लि०, लोधमा (बिहार)	सोल करने का गर्म करके लगाया जाने वाला मसाला ग्रेड 'बी'-- IS : 1834-1961	
36. सी एम/एल-1372 26-12-1966	1-1-1974	31-12-1974	इम्पीरियल स्टोर्स एंड एजेन्सी कम्पनी, 41, शिमला रोड, मानिकगढ़, कलकत्ता-6	चाय की पेटियों के लिए धातु के फिटिंग-- IS : 10-1970	
37. सी एम/एल-1384 30-12-1966	1-2-1974	31-1-1975	हुसैनी मेटल रोलिंग मिल्स प्रा० लि०, ताबा चाला प्रापटीज, रोड, बम्बई-10	एलुमिनियम के बर्तन-- IS : 21-1959	
38. सी एम/एल-1444 16-5-1967	1-1-1974	31-5-1974	पेस्टोसाइडस इंडिया, उदय सागर रोड, उदयपुर (राजस्थान)	स्थिरकृत मैथाक्सीइथाइल पाराक्लोराइड के तेजद्रव से बने योगिक-- IS : 2358-1963	
39. सी एम/एल-1487 10-8-1967	1-2-1974	31-1-1975	ग्राय्विन इंडस्ट्रीज, समलय, जिला बड़ौदा	18-लिटर समाई वाले बर्गकार टिन-- IS : 916-1966	
40. सी एम/एल-1516 15-9-1967	16-1-1974	15-1-1975	स्टार फिटिंग वर्क्स, 17 हरचन्द्र मलिक स्ट्रीट, कलकत्ता-5	चाय की पेटियों के लिए धातु के फिटिंग-- IS : 10-1970	
41. सी एम/एल-1532 28-9-1967	16-1-1974	15-7-1974	राष्ट्रीय इंजीनियरिंग वर्क्स (रजि०) जी टी रोड, कटाला (पंजाब)	केबल 50 मिमी, 75 मिमी और 100 मिमी साइज के बालू ढले लोहे के मस पाइप-- IS : 1729-1964	
42. सी एम/एल-1606 5-1-1968	16-1-1974	15-1-1975	हिन्द मेटल इंडस्ट्रीज, 1, पी एम मित्रा लेन टासीगंज कलकत्ता-53	चाय की पेटियों के लिए धातु के फिटिंग-- IS : 10-1970	
43. सी एम/एल-1610 5-1-1968	1-2-1974	31-1-1975	खेमाणी एंड संत मायोपट्टी, डिब्रूगढ़, (असम)	चाय की पेटियों के लिए धातु की फिटिंग-- IS : 10-1970	

(1)	(2)	(3)	(4)	(5)	(6)
44. सी एम/एल-1616 11-1-1968	16-1-1974	15-1-1975	ब्रजवासी इंसुलेटेड केबल कं०, 4/19 भुतेश्वर रोड, मथुरा (उ० प्र०)	रखड़ रोधित केबल— IS : 434 (भाग 1 और 2)-1964	
45. सी एम/एल-1617 11-1-1968	16-1-1974	15-1-1975	„	पी वी सी रोधित केबल— IS : 694 (भाग 1 और 2)-1964	
46. सी एम/एल-1626 24-1-1968	1-2-1974	31-1-1975	जेनिथ स्टील पाइपस लि०, खेपौली, जिला कोलाबा (महाराष्ट्र)	हल्की माध्यम और भारी ग्रेड की जस्तीकृत और काले मृदु इस्पात की ट्यूब— IS : 1239 (भाग 1)-1968	
47. सी एम/एल-1648 8-3-1968	1-1-1974	30-6-1974	ग्रंथमान टिम्बर इंडस्ट्रीज लि०, पोर्ट ब्लेयर, ग्रंथमान	चाय की पेटियों के लिए प्लाईवुड के तख्ते— IS : 10-1970	
48. सी एम/एल-1877 23-12-1968	16-12-1973	15-12-1974	सीमेंट वाटर प्रूफ ग्रांथ इंडिया, 2, प्रिंस अन्- वर शाह रोड, कलकत्ता-33	जलसह बनाने के लिए सीमेंट का सीमेंट मसाला IS : 2645-1964	
49. सी एम/एल-1880 30-12-1968	1-1-1974	30-6-1974	बुडकाफ्ट प्रोडक्ट्स लि०, डाकघर जैपुर, जिला लखीमपुर (ऊपरी असम)	लकड़ी के समतल कपाट (ठोस मध्य भाग वाले) ऊपर प्लाईवुड लगे— IS : 2202 (भाग 1)-1966	
50. सी एम/एल-1884 31-12-1968	16-2-1974	15-2-1975	इंडो स्वीडिश पाइप मैन्यू० कं० लि०, नयल- गंज, टुंडला रोड, भागरा-6	अपसरिंग द्वारा ठूले मल और संयातन के लोहे के प्राइप, 75 मिमी और 100 मिमी केवल IS : 3989-1967	
51. सी एम/एल-1895 31-12-1968	1-2-1974	31-1-1975	काटुपुरम अरुमगनेरी डाकघर तिरुनेल्वली जिला, (तमिलनाडु)	ट्राइक्लोरोइथाइलीन तकनीकी— IS : 245-1970	
52. सी एम/एल-1896 21-1-1969	1-1-1974	31-12-1974	वि इंडियन केबल कं० लि०, गोलमुरी, जम- शेदपुर	तापनम्य रोधित ऋतुसह केबल ; (1) पी वी सी रोधित और पी वी सी खोल वाले ; (2) पोलिइथाइलीन रोधित ब्रेडेड और सह मिलित केबल- - IS : 3035 (भाग 1)-1964, और IS : 3035 (भाग 2)-1965	
53. सी एम/एल-2030 25-7-1969	1-2-1974	31-1-1975	क्वालिटी ग्राइस-क्रीम कम्पनी, बी-12, लारेंस रोड, इंडस्ट्रियल एरिया, नई दिल्ली	ग्राइस-क्रीम— IS : 2802-1964	
54. सी एम/एल-2089 30-9-1969	16-1-1974	15-1-1975	ब्रजवासी इंसुलेटेड फिटिंग्स फैक्टरी, पी-10, ट्रांसपोर्ट डिपो रोड, कलकत्ता-27	तापनम्य रोधित ऋतुसह केबल— IS : 3035 (भाग 1 और 2)-1964, और IS : 3035 (भाग 3)-1967	
55. सी एम/एल-2178 22-12-1969	1-1-1974	31-12-1974	बंगाल फिटिंग्स फैक्टरी, पी-10 ट्रांसपोर्ट डिपो रोड, कलकत्ता-27	चाय की पेटियों के लिये धातु की फिटिंग— IS : 10—1970	
56. सी एम/एल-2195 31-12-1969	1-1-1974	31-12-1974	पी-कोठारी एण्ड कम्पनी, 76/2/21 मह- र्षिक देवेन्द्र रोड, कलकत्ता-6	चाय की पेटियों के लिये धातु की फिटिंग— IS : 10—1970	
57. सी एम/एल-22213 15-1-1970	16-1-1974	15-1-1974	अजीत इंडस्ट्रियल कारपोरेशन लखीमपुर आयल मिल एरिया, पूर्णानंद बास रोड, निकट शान्ति पाड़ा रेलवे गेट, डिब्रूगढ़ जिला लखीमपुर (असम)	चाय की पेटियों के लिये धातु की फिटिंग :- IS : 10—1970	
58. सी एम/एल-2216 22-1-1970	1-2-1974	31-7-1974	गुरुदेव इंडस्ट्रीज प्रा० लि०, 36 पंजितिया रोड, कलकत्ता-27	चाय की पेटियों के लिए धातु के फिटिंग— IS : 10—1970	
59. सी एम/एल-2238 9-2-1971	1-2-1974	31-1-1975	साऊथ इंडिया वायर रोप्स लि०, एडातल डाकघर बरास्ता अल्बाय (केरल)	खानों में हुवाई कार्यों में प्रयुक्त इस्पात के रस्से— IS : 1855—1969 खानों में लिफ्टाई कार्यों में प्रयुक्त इस्पात के तार रस्से— IS : 1856—1970	

(1)	(2)	(3)	(4)	(5)	(6)
60. सी एम/एल-2239	1-2-1974	31-1-1975	साऊथ इंडिया वायर रोपर्स लि० एडातल हाकबर बरास्ता अल्पाय (केरल)	सामान्य इंजीनियरिंग कार्यों के लिए इस्पात के तार के रस्से— IS:2266—1970	
61. सी एम/एल-2251 10-2-1970	16-2-1974	15-2-1975	विजय टिम्बर ट्रेडिंग कम्पनी, धगू रोड, हाकबर पठानकोट, जिला गुरबास- पुर (पंजाब)	चाय की पेटियों के लिए प्लाईवुड की पट्टियां IS:10—1970	
62. सी एम/एल-2252 10-2-1970	16-2-1974	15-2-1975	बी० उत्तम सिंह एण्ड संम, 12, बस्ती नौ, जलंधर शहर (पंजाब)	खेपने की हाकिया— IS:829—1965	
63. सी एम/एल-2256 16-2-1970	16-2-1974	15-2-1975	पेक-बैल इण्डस्ट्रीज, कोलमोन रोड, थाना	पैराथियोन पायसनीय तेजद्वज (गुन:पैकिंग)— IS:2129—1962	
64. सी एम/एल-2299 31-3-1970	16-2-1974	15-2-1975	कपूर टिम्बर, खजुरी रोड, मसूनागर जिला अम्बाला (हरियाणा)	चाय की पेटियों के लिए प्लाईवुड की पट्टियां— IS:10—1970	
65. सी एम/एल-2367 13-7-1970	1-12-1970	30-11-1974	कोचीम टिन फैक्टरी, पो० बा० सं० 6, पासुरति, कोचीन-5 एर्नाकुलम जिला, (केरल)	चाय की पेटियों के लिए धातु के फिटिंग— IS:10-1970	
66. सी एम/एल-2370 21-7-1970	1-1-1974	31-12-1974	असम टिम्बर ट्रेडिंग बक्स, मारघरिटा (असम)	चाय की पेटियों के लिए प्लाईवुड की पट्टियां पट्टियां— IS:10—1970	
67. सी एम/एल-2400 31-8-1970	16-2-1973	30-11-1974	भारती मिनक्स, 15/7 मधु रोड, करीदा बाग (हरियाणा)	मालाथियोन पायसनीय तेजद्वज— IS:2567-1963	
68. सी एम/एल-2459 30-11-1970	16-2-1974	15-2-1975	विजय इंडस्ट्रीज, 36/1/1, पश्चिम नहर रोड, कलकत्ता-4	20 मिटर समझी थ्रेड बी-2 (बिना जस्ता बढ़े) इस्पात के ड्रम— IS:2552—970	
69. सी एम/एल-2477 7-12-1970	1-1-1974	31-12-1974	असम केमिकल इंडस्ट्रीज, चम्पागंडी रोड, बोनगई गांव (असम)	बी/एच/सी बूलन पाउडर— IS:561—1962	
70. सी एम/एल-2510 13-1-1971	1-2-1974	31-1-1975	नर्मि इंजीनियरिंग इंडस्ट्रीज, सी-5, कोयम्बतूर प्राइवेट इंडस्ट्रियल इस्टेट, पोलाची रोड, कोयम्बतूर (तमिल नाडु)	तीन फीज प्रेरण मोटर 2.2 किवा (3 हापा, 3.7 किवा (5 हापा) 5.5 किवा (7.5 हापा) और 7.5 किवा 10 हापा) 'ए' श्रेणी के रोघन लगी— IS:325—1970	
71. सी एम/एल-2511 15-1-1971	16-1-1974	15-1-1975	वीवान इंडस्ट्रीज (रजि०) 308/ए5-ए शाहजादा बाग पुरानी मोहक रोड, दिल्ली-7	डोर ब्लोजर्स (द्रव नियंत्रित) केवल 1 और 2 माइज— IS:3564—1970	
72. सी एम/एल-3332 4-2-1971	16-2-1974	15-2-1975	एन० बी० इंडस्ट्रीज, 12, लक्ष्मीबाई बाजार, इंडस्ट्रियल इस्टेट, फोर्ट, इंदौर (म०प्र०)	अनुमानित प्रकार के शुष्क डायल वाले टाइप 'ए' के पापी के मोटर, साईज केवल 15 मिमी— IS:779-1968	
73. सी एम/एल-2536 8-2-1971	1-2-1974	31-1-1975	हिन्दुस्तान स्टील लि०, बैम्पापन्ना हवी, बंगलौर-2	कंक्रीट प्रबलन के लिए ठंडी मरोड़ी बिकृत इस्पात की सरिया— IS:1786—1966	

(1)	(2)	(3)	(4)	(5)	(6)
74. सी एम/एल-2537 8-2-1971	16-2-1974	15-2-1975	बंकोम एण्ड कम्पनी, 13/2, इंडस्ट्रियल इस्टेट, पटना-13	मकान गाड़ियों के मुकाबल जैक, 4000 किग्रा., 800 किग्रा और 10000 किग्रा समार्य वाले (द्रव चानित, ऊपर उठाने के लिए) -- IS:4552-1968	
75. सी एम/एल-2560 19-2-1971	16-2-1974	15-2-1975	भुवनेश्वरी पुलबराइजिंग मिल्स, 4/5, इलाय मुहारी, मद्रास-81	बी०एच०सी० जल विमर्जनीय धूलन पाउडर-- IS:562-1962	
76. सी एम/एल-2661 12-2-1971	16-2-1974	15-2-1975	"	डी०डी० जल विमर्जनीय तेल पाउडर-- IS:565-1961	
77. सी एम/एल-2562 19-2-1971	16-2-1974	15-2-1974	"	एन्ड्रुन पायसनीय नेत्रद्रव-- IS:1310-1958	
78. सी एम/एल-2563 19-2-1971	16-2-1974	15-2-1975	"	डी०डी०टी धूलन पाउडर-- IS:564-1961	
79. सी एम/एल-2592 16-3-1971	16-3-1974	15-3-1975	टोडियालूर कोआपरेटिव एग्रीकल्चरल सर्विसेज लि०, टोडियालूर डाकघर, कोयम्बतूर-11	बीएचसी धूलनपाउडर-- IS:561-1962	
80. सी एम/एल-2593 16-3-1971	16-3-1974	15-3-1975	"	डी०डी०टी० धूलन पाउडर-- IS:564-1961	
81. सी. एम/एल-2682 18-5-1971	16-2-1974	15-2-1975	विजयम इंक कम्पनी, सी-3/15, कृष्णनगर, रोडरी सिलेण्डर रोडरी मशीनों की कुप्लिकेटिंग दिल्ली-51	स्वाही -- IS:1222-1969	
82. सी एम/एल-2688 26-5-1971	16-3-1974	15-3-1975	टोडियालूर कोआपरेटिव एग्रीकल्चरल एन्ड्रुन पायसनीय नेत्रद्रव-- सर्विसेज लि० टोडियालूर डाकघर कोयम्बतूर-11	IS:1310-1958	
83. सी एम/एल-2720 28-7-1971	16-2-1974	15-2-1975	उदयपुर डिस्टिलरी क० प्रा० लि०, उदयपुर रोड, उदयपुर (राजस्थान)	रस-- IS:3811-1966	
84. सी एम/एल-2731 28-7-1971	16-2-1974	15-2-1975	"	शडी-- IS:4450-1967	
85. सी एम/एल-2722 28-7-1971	16-2-1974	15-2-1975	"	जिन-- IS:4100-1967	
86. सी एम/एल-2744 25-8-1971	16-3-1974	16-3-1975	टोडियालूर कोआपरेटिव एग्रीकल्चरल सर्विसेज लि०, टोडियालूर डाकघर कोयम्बतूर-11	बीएचसी जल विमर्जनीय धूलन पाउडर-- IS:562-1962	
87. सी एम/एल-2745 25-8-1974	16-3-1974	15-3-1975	"	डीडीटी जलविमर्जनीय धूलन पाउडर-- IS:565-1961	
88. सी एम/एल-2854 30-12-1971	1-1-1974	15-12-1974	कीन पेस्टीसाइड्स प्रा० लि०, माउथ बजाकुलम् डाकघर कुम्मातूनदा तालुक बरास्ता प्रल्हाय जिला एर्णाकुलम् (केरल)	इथाइल पैराथियोन पायसनीय नेत्रद्रव-- IS:2129-1962	
89. सी एम/एल-2856 30-12-1971	1-1-1974	31-12-1974	धमम बेनियर कंपनी, मारबूरिटा (धमम)	बाय की पेटियों के लिए प्लास्टिक के तख्त-- IS:10-1970	
90. सी एम/एल-2659 31-12-1971	16-2-1974	15-2-1975	उदयपुर डिस्टिलरी क० प्रा० लि०, उदयपुर रोड, उदयपुर (राजस्थान)	शुष्किकियां-- IS:4449-1967	

(1)	(2)	(3)	(4)	(5)	(6)
91. सी एम/एल-2864 5-1-1972	16-1-1974	15-1-1975	अमरिकन स्प्रिंग एंड प्रेसिंग वर्क्स प्रा० लि०, मलाड, बम्बई-64 एनबी	एक नाली वाला स्टैंप पम्प— IS : 1971-1965	
92. सी एम/एल-2867 10-1-1977	16-1-1974	15-1-1975	ए० धार० दीवान एंड कंपनी, डी-637, लेक गार्डनस, फलकत्ता-45	चाय की पेटियों के लिए धातु के फिटिंग— IS : 10-1970	
93. सी एम/एल-2872 19-1-1972	16-1-1974	15-1-1975	मुकंद आयरन एंड स्टील वर्क्स लि०, सर्वे संख्या 144, मरोल गांव, अंधेरी-कुरला रोड, बम्बई	कंक्रीट प्रबलन के लिए ठंडी मरोड़ी विकृत इस्पात की सरिया— IS : 1786-1966	
94. सी एम/एल-2878 15-1-1972	1-2-1974	31-1-1975	स्टेण्डर्ड बैटरीज लिमिटेड, ओल्डम डिबी-जन, पो० बा० संख्या 2655, 21/22, अमल प्रकार) 0.8 धम्पी रेटिंग की अलंदूर रोड, मद्रास-32 (तमिलनाडु)	खनिजों की टोपी लैम्प के लिए (सीसा बूटरियों— IS : 2512-1963	
95. सी एम/एल-2882 20-1-1972	1-2-1974	31-1-1975	वि इंडियन टूल मैनु० लि०, 101, सामण रोड, सायण बम्बई-22 डीडी	(1) समानांतर शीकों वाले चक्र रीमर; (2) मोसं गावदुम शीकों वाले चक्र रीमर; (3) मोसं गावदुम शीकों वाले साकेट रीमर; (4) मशीनब्रिज रीमर; (5) ग्रील रीमर और (6) मशीन जिग रीमर (1) IS : 5446-1969 (2) IS : 5447-1969 (3) IS : 5907-1970 (4) IS : 5918-1970 (5) IS : 5919-1970 (6) IS : 5926-1970 और (7) IS : 6091-1971	
96. सी एम/एल-2884 24-1-1972	1-2-1974	31-1-1975	हंदीर स्टील एंड आयरन मिल्स, फोंज एंड ब्लोअर कंपनी, नरोदा रोड, अहमदाबाद-2	कंक्रीट प्रबलन के लिए ठंडी मरोड़ी विकृत इस्पात की सरिया— IS : 1786-1966	
97. सी एम/एल-2885 24-1-1972	1-2-1974	31-1-1975	नेशनल आयरन एंड स्टील कं० लि०, निस्को वर्क्स, डाकघर बेलूरम०, हावड़ा (प० बंगाल)	संरचना इस्पात (मानक किस्म)— IS : 226-1969	
98. सी एम/एल-2886 24-1-1972	1-2-1974	31-1-1975	„	संरचना इस्पात (साधारण किस्म)— IS : 1977-1969	
99. सी एम/एल-2887 25-9-1972	1-2-1974	31-1-1975	बम्बई कैमिफ्रस प्रा० लि०, 19, बिकटोरिया रोड, लो लेवल, रे रोड, मजगांव, बम्बई-10	जीवाणु नाशी तरल पदार्थ— IS : 1061-1964	
100. सी एम/एल-2903 14-2-1972	16-2-1974	15-8-1974	एलाइड इंडस्ट्रीज (जयपुर पश्चिम) 38, इंडस्ट्रियल एरिया, जोनवाडा जयपुर पश्चिम, जयपुर-6	12.5 लिटर समार्ड डब्ल्यू सी और मूखालयों के लिए ऊंचाई पर लगने वाली नीचे से चौड़ी ढलवां लोहे की फलज की टंकिया— IS : 774-1971	
101. सी एम/एल-2921 18-2-1972	16-2-1974	15-7-1975	ओमेगा केबल्स लि०, प्लाट संख्या 16 और 17 इंडस्ट्रियल इस्टेट, आम्बालूर, मद्रास-58	पूर्ण एलुमिनियम जालक और इस्पात की कोर वाले एलुमिनियम जालक— IS : 398-1961	
102. सी एम/एल-2922 18-2-1972	16-2-1974	15-7-1975	ओमेगा केबल्स लि०, प्लाट संख्या 16 और 17 इंडस्ट्रियल इस्टेट आम्बालूर, मद्रास-58	(क) पीवीसी रोषित केबल: (1) एकहरी कोर (बिना खोल वाले और खाले वाले) 250/440 वोल्ड और 650/1100 वोल्ड ग्रेड एलुमिनियम अथवा तांबे के जालकों वाले—	

(1)	(2)	(3)	(4)	(5)	(6)
					(2) बुहरी कोर (पीवीसी खोल वाले) 250/440 बोल्ट ग्रेड एलुमिनियम चालकों वाले,
					(3) चार कोर, गोल (पीवीसी) खोल वाले 650/1100 बोल्टग्रेड एलुमिनि- मय चालकों वाले, और
					(ख) पीवीसी रोधित लज्जकीसी डोरियां
					(4) पीवीसी खोल वाली, 250/440 बोल्ट ग्रेड तांबे के चालक IS : 694(भाग 1 और 2)-1964
103. सी एम/एल-2923 18-2-1972	16-2-1974	15-2-1975			पोलीइथाइलीन रोधित और पीवीसी खोल वाले केबल एलुमिनियम चालकों वाले, केबल एकहरी कोर के-- IS : 1596-1970
104. सी एम/एल-2924 18-2-1972	16-2-1974	15-2-1975			तापनम्य रोधित ऋतुसह केबल : (1) पोलीइथाइलीन रोधित, टेपलगे, ब्रेडेड और सहामिलित (i) एकहरी कोर, 250/440 बोल्ट और 650/1100 बो० ग्रेड एलु- मिनियम चालक, और (ii) बुहरीकोर, चपटे, 250/440 बोल्ट और 650/1100 बोल्ट ग्रेड एलु- मिनियम चालक 3035--(भाग 2) 1965 (2) पोलीइथालीन रोधित और पोलीइथाइ- लीन खोलवाले; (i) एकहरी कोर, 250/440 बोल्ट और 650/1100 बोल्ट ग्रेड एलु- मिनियम चालक और (ii) बुहरीकोर, चपटे, 250/440 बोल्ट ग्रेड एलुमिनियम चालक-- IS : 3035(भाग 3)-1967
105. सी एम/एल-2960 10-3-1972	16-3-1974	15-3-1975	मजु इलेक्ट्रिकल इंडस्ट्रीज प्रा० लि०, पोलीची रोय, मालूमी चम्पाट्टी डाक- घर, बरास्ता इंडस्ट्रियल इस्टेट, कोयम्बतूर-21 (तमिलनाडु)	तीन फेजी प्रेरणा मोटर 3.75 किवा (5 हापा) 5.5 किवा (7.5 हापा) और 7.5 किवा (10 हापा) 'ए' श्रेणी के रोधन लगी IS : 325-1970	
106. सी एम/एल-2986 [17-3-1972]	16-2-1974	15-2-1975	ओमेगा केबल्स लि०, प्लाट संख्या 16 और 17, इंडस्ट्रियल इस्टेट, भम्मातूर, मद्रास-58	1100 बोल्ट तक कार्यकारी बोल्टता के एलुमिनियम ग्रथवा तांबे के चालकों वाले पीवीसी रोधित (भारी इयूटी) बिजली के केबल IS : 1554 (भाग 1)-1964	
107. सी एम/एल-3000 28-3-1972	1-2-1974	31-1-1975	रविम इंजीनियरिंग इंडस्ट्रीज, सी-5, कोयम्बतूर प्रा० इंडस्ट्रियल इस्टेट, पोलाची रोड, कोयम्बतूर-641021	खेती कार्यों में प्रयुक्त साफ, ठंडे और ताजे पानी के लिए शैतिज भ्रपकेन्द्रीय पम्प, साइज केबल 65×50 मिमी-- IS : 6595-1972	
108. सी एम/एल-3058 9-5-1972	1-3-1974	28-2-1975	श्री बैंकटेश्वर मिनरल्स प्रा० लि०, 3, इल्लाय मुद्रासी, स्ट्रीट टाडेरपेट, मद्रास-21	एस्किन पायसनीय तेजद्रव-- IS : 1310-11958	

(1)	(2)	(3)	(4)	(5)	(6)
109. सी एम/एल-3118 9-8-1972	16-3-1974	15-3-1975	स्टील सेल्स (इंडिया) प्रा० लि०, 131, इंडस्ट्रियल एरिया, चंडीगढ़-2	खिडकियों और दरवाजों के लिए बेस्लिम इस्पात के सेक्शन एफ 7 बी— IS : 1038-1968	
110. सी एम/एल-3124 21-8-1972	16-8-1973	15-8-1974	कृषि सुभिन प्रोडरस, सरक्की, जय नगर (दक्षिण) बंगलौर-11	एन्ड्रिन पायसनीय तेजद्रव— IS : 1310-1958	
111. सी एम/एल-3128 21-8-1972	16-8-1973	15-8-1974	"	मालाथियोन पायसनीय तेजद्रव— IS : 2567-1963	
112. सी एम/एल-3173 28-9-1972	16-1-1974	15-1-1975	अमर डार्ड केम लि०, शाहूद, कल्याण (महाराष्ट्र)	एम-क्लोरो-एनिलाइन IS : 4335-1967	
113. सी एम/एल-3174 28-9-1972	16-1-1974	15-1-1975	"	पी-क्लोरो-एनिलाइन IS : 4336-1967	
114. सी एम/एल-3175 28-9-1972	16-1-1974	15-1-1975	"	2 : 5 डाइक्लोरोएनिलाइन IS : 4526-1968	
115. सी एम/एल-3176 28-9-1972	16-1-1974	15-1-1975	"	पी-एनिसइडाइन IS : 5646-1970	
116. सी एम/एल-3177 28-9-1972	16-1-1974	15-1-1975	अमर डार्ड-केम लि०, शाहूद, कल्याण (महाराष्ट्र)	पी-टोलूआइडीन— IS : 5647-1970	
117. सी एम/एल-3178 28-9-1972	16-1-1974	15-1-1975	"	प्रो-टोलू आइडीन— IS : 5649-1970	
118. सी एम/एल-3185 30-10-1972	1-2-1974	31-1-1975	क्लोराइड इण्डिया लि०, एफसाइड वर्क्स, 91 म्यूकार्ड रोड, शामनगर, 24 परगना (प० बंगाल)	खनिकों की टोपी के लैम्प के लिए (सीसा भस्म प्रकार) की 0.8 भस्मी और 1.0 भस्मी रेटिंग की बैटरियां IS : 2512-1963	
119. सी एम/एल-3274 5-1-1973	16-1-1974	15-6-1975	गैस्ट कीन विलियम्स लि०, 19, अन्तूल रोड, हावड़ा-3, (प० बंगाल)	उबाला और प्रेरण कठोरकारी इस्पात— IS : 3930-1966	
120. सी एम/एल-3275 5-1-1973	16-1-1975	15-6-1975	"	कार्बन और कार्बन मैंगनीज की फ्री कटार्ड का इस्पात— IS : 4431-1967	
121. सी एम/एल-3276 5-1-1973	16-1-1974	15-6-1975	"	कठोरीकरण और टेम्पर देने के लिए इस्पात— IS : 5517-1969	
122. सी एम/एल-3277 5-1-1973	16-1-1974	15-6-1975	"	(रेल गाड़ियों के डिब्बों में प्रयुक्त) लहरियेदार और कुण्डोनुमा स्प्रिंग की तैयारी के लिए इस्पात— IS : 3195-1965	
123. सी एम/एल-3278 5-1-1973	16-1-1974	15-6-1975	गैस्ट कीन विलियम्स लि०, 19, अन्तूल रोड, हावड़ा-3, (प० बंगाल)	(रेल के डिब्बों के लिए) चमकदार स्प्रिंग की तैयारी के लिए इस्पात— (क) भाग अपटो सेक्शन— IS : 3885 (भाग 1)-1966 (ख) भाग 2 रिब और युव सेक्शन— IS : 3885 (भाग 2)-1969	
124. सी एम/एल-3279 5-1-1973	1-1-1974	31-12-1974	कोसन पेटल प्रॉडक्ट्स प्रा० लि०, कमनेश्वर, रेलवे स्टेशन के पास, सहस्रील सानेर, जिला नागपुर (महाराष्ट्र)	अल्युमिनियम द्रवित गैसों के भण्डारण और परि- वहन के लिए 33.3 लिटर जल समार्द्ध वाले वेल्डकृत अल्युमिनियम इस्पात के गैस सिलेण्डर— IS : 3196-1968	

(1)	(2)	(3)	(4)	(5)	(6)
125. सी एम/एल-3280 8-1-1973	16-1-1974	15-1-1975	रस्टन एण्ड हम्सबॉय (इण्डिया) लि०, चिन्मयाबाद, पूना-19 (महाराष्ट्र)	निम्नलिखित प्रकार की रेटिंग के क्षेत्रीय डीज़ल इंजन :— किवा बक्कर टाइप प्रति मिनट 3.90 (5.3 हा पा) 7.36 (10.0 हापा) 7.72 (10.5 हापा) IS : 1601-1960	550 भाई एस भार 1 भाई एच भार (टाइप एच भार) 1 जैड एच भार (टाइप एच भार)
126. सी एम/एल-3290 8-1-1970	16-1-1974	15-7-1974	राष्ट्रीय इंजीनियरिंग बक्स, जी टी रोड, बटाला (पंजाब)	डलवां लोहे के बरसाती पाइप, केवल 100 मिमी साइज— IS : 1230-1968	
¹ 27. सी एम/एल-3297 9-1-1973	1-3-1974	28-2-1975	करे प्राइवेट लिमिटेड, 13/7, मथुरा रोड, फरीदाबाद (हरियाणा)	(क) (इंजीनियरों के) तक्रुबेनुमा ब्लेड लगे पेंचकस; (ख) (इलेक्ट्रिशियनों के) तक्रुबेनुमा ब्लेड लगे पेंचकस हल्की इयूटी वाले— (ग) फिलिप्स टोपी वाले पेंचों के लिए पेंचकस— IS : 844 (भाग 1 और 2)-1972	
128. सी एम/एल-3301 7-1-1973	1-2-1974	31-1-1975	कृषि केमिन् प्रॉडक्ट्स, सरफकी, जयनगर (दक्षिण), बंगलौर-11	मालाधियोत धूलन पाउडर— IS : 2568-1963	
129. सी एम/एल-3302 17-1-1973	1-2-1974	31-7-1974	मार्बल इण्डस्ट्रीज, जी टी रोड, साहिवाबाद (गुजरात) (उ०प्र०)	दरवाजों, खिड़कियों और रोगनवानों के लिए बेल्डित इस्पात के सेक्शन एक 4 बी— IS : 1038-1968	
130. सी एम/एल-3304 23-1-1973	16-1-1974	15-6-1975	गैस्ट कीन विलियम्स लि०, 97, अम्बूल रोड, हावड़ा-3 (प० बंगाल)	सामान्य इंजीनियरिंग कार्यों के मशीनी पुर्जों के निर्माण के लिए कार्बन इस्पात की काली छड़ें— IS : 2073-1970	
131. सी एम/एल-3305 23-1-1973	16-1-1974	15-6-1975		सतह कठोरकारी इस्पात— IS : 4432-1967	
132. सी एम/एल-3306 29-1-1973	1-2-1974	31-7-1974	बंगाल पाईरीज लि०, फैक्टरी संख्या 2, 3, पगलादांगा रोड, कलकत्ता-10	शिरोपरि पावर लाइनों के लिए बीनी मिट्टी के रोधक, 11 किवा, पिन टाइप— IS : 731-1971	
133. सी एम/एल-3310 30-1-1973	1-2-1974	31-1-1975	ग्रीसवाल केबल्स (प्रा०) लि०, 139, इण्डस्ट्रियल एरिया, जोतवाड़ा, अय्यपुर-6	शिरोपरि पावर प्रेषण कार्यों के लिए सख्त जिंके लड़दार एलुमिनियम और इस्पात की कोर एलुमिनियम बालक— IS : 398-1971	
134. सी एम/एल-3311 30-1-1973	1-2-1974	31-1-1975	इण्डियन प्लास्टिक्स लि०, पायसर ब्रिज, कांहीबली, बम्बई-67	बलाई सामग्री के रूप में प्रयुक्त मेसामाइन फार्मलडेहाइड— IS : 3639-1966	

(1)	(2)	(3)	(4)	(5)	(6)
135. सी एम/एल-3314 31-1-1973	1-2-1974	31-1-1975	रेडियो इलेक्ट्रिकल्स मैनु० कं० लि०, मैसूर रोड, बंगलौर-26 (कर्नाटक)	ताप नम्य रोहित ऋतुसह केवल, पी बी सी रोहित और पी बी सी खोल वाले : (1) इकहरी कोर, 250/440 बोल्ड और 650/1100 बोल्ड ग्रेड एलुमिनियम चालक (2) दुहरी कोर, चपटे, 250/440 बोल्ड ग्रेड एलुमिनियम चालक— IS : 3035 (भाग 1)-1965	
136. सी एम/एल-3318 31-1-1973	1-2-1974	31-1-1975	हिप्प ट्रेडिंग एण्ड मैनु० कम्पनी, 3706, गली बने, बारहट्टी, सदर बाजार, दिल्ली-6	पेंच द्वारा खुलने और बन्द होने वाली पीतल की बालू इसी टोर्निया साइज केवल 15 मिमी IS : 781-1967	
137. सी एम/एल-3319 31-1-1973	1-2-1974	31-1-1975	एरोफूड प्राइवेट लि०, एरोविने डाकघर बरास्ता, पाण्डिचेरी	बिस्कुट— IS : 1011-1968	
138. सी एम/एल-3327 6-2-1973	1-2-1974	31-1-1975	रेडियो इलेक्ट्रिकल्स मैनु० कं० लि०, मैसूर रोड, बंगलौर-26 (कर्नाटक)	1100 बोल्ड तक कार्यकारी बोल्डता के लिए तांबे के चालकों वाले पी बी सी रोहित (भारी ड्यूटी) बिना कवच वाले बिजली के केवल— IS : 1554 (भाग 1)-1964	
139. सी एम/एल-3329 9-2-1973	1-2-1974	31-7-1974	जोडिक इलेक्ट्रिकल्स प्रा० लि०, 45, किलोमीटर पत्थर, बड़ोदा-कलोल- गोधरा इस्टेट, हाइवे संख्या 5, समीप रेलवे क्रॉसिंग, गांधी दुनिया, तालुक हलोय, जिला पंचमहल (गुजरात)	पूर्ण एलुमिनियम चालक और इस्पात की कोर वाले एलुमिनियम चालक— IS : 398-1961	
140. सी एम/एल-3339 22-2-1973	1-3-1974	28-2-1975	हंसराज महाजन एण्ड सन्स प्रा० लि०, जी टी रोड, जलंधर शहर	क्रिकेट बेट— IS : 828-1966	
141. सी एम/एल-3340 22-2-1973	1-3-1973	28-2-1975	„	हाकी स्टिक— IS : 829-1965	

[सं० सी० एम० बी०/13:12]

S.O. 464.—In pursuance of sub-regulation (1) of Regulation 8 the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution, hereby notifies that one hundred & fortyone licences, particulars of which are given in the following Schedule, have been renewed during the month of February, 1974:—

SCHEDULE

Sl. No.	Licence No. and date	Period of Validity From to	Name and Address of the Licensee	Article/Process covered by the Licences and the relevant IS : Designation
(1)	(2)	(3)	(4)	(5)
1.	CM/L-39 4-11-1957	1-2-1974 31-1-1975	Rashtriya Metal Industries Ltd., Kurla Road, Andheri (East), Bombay-41.	Wrought aluminium and aluminium alloy for utensils— IS : 21—1959
2.	CM/L-40 4-11-1957	1-2-1974 31-1-1975	Do.	Wrought aluminium and aluminium alloy sheets, strips and circles— IS : 21—1959

(1)	(2)	(3)	(4)	(5)	(6)
3. CM/L-52 20-1-1958	1-2-1974	31-1-1975	The Malabar Plywood Works, Cheruvannur, Feroke (Kerala)	Tea-chest plywood panels— IS : 10—1970	
4. CM/L-57 20-1-1958	1-2-1974	31-1-1975	Assam Valley Plywood Pvt. Ltd., 67 B, Netaji Subhas Road, Calcutta-1	Tea-chest plywood panels— IS : 10—1970	
5. CM/L-114 19-1-1959	1-2-1974	31-1-1975	Venus Plywood Company, Nemmara, Palghat District (Kerala)	Tea-chest plywood panels— IS : 10—1970	
6. CM/L-156 20-11-1959	16-1-1974	15-1-1975	Sulekha Works Ltd., Sulekha Park, Jadavpur, Calcutta-32	Ferro-gallo tannate fountain pen ink (0.1 percent iron content)— IS : 220—1972	
7. CM/L-158 15-1-1960	1-2-1974	31-1-1975	The Aluminium Industries Ltd., Hirakud Sambalpur District (Orissa)	AAC & ACSR conductors— IS : 398—1961	
8. CM/L-226 16-9-1960	16-1-1974	15-1-1975	Sulekha Works Ltd., Sulekha Park, Jadavpur, Calcutta-32	Dye-based fountain pen ink (blue, green, violet, black and red)— IS : 1221—1971	
9. CM/L-244 28-11-1960	16-1-1974	15-1-1975	Indian Plastics Ltd., Piosar Bridge, Kandivli, Bombay-67	P.F. moulding powder (for general purposes) Grade 1 & 3— IS : 1300—1966	
10. CM/L-272 10-2-1961	16-2-1974	15-2-1975	Sahibganj Electric Cables Ltd., 1, Oil Installation Road, Paharpur, Calcutta-43	AAC & ACSR conductors— IS : 398—1961	
11. CM/L-477 29-11-1962	1-1-1974	30-6-1974	Shalimar Tar Products (1935) Ltd., P-45, Hide Road Extension, Kidderpore, Calcutta-23	Bitumen (plastic) for waterproofing purposes— IS : 1580—1969	
12. CM/L-479 29-11-1962	1-1-1974	31-12-1974	Do.	Performed fillers for expansion joints, in concrete non-extruding and resilient type (bitumen impregnated fibre)— IS : 1838—1961	
13. CM/L-496 9-1-1963	16-3-1974	15-9-1974	Sarvjit Electric Works, Rurka Road, Goraya, N. Rly. (Distt. Jullundur)	Normal duty composite units of air-break switches and fuses; 15 amp, 250 volts with MEM type fuse bases and carriers— IS : 4064—1967	
14. CM/L-503 24-1-1963	1-2-1974	31-7-1974	B.D. Khaitan & Company, 29, Colootola Street, Calcutta	Tea-chest metal fittings— IS : 10—1970	
15. CM/L-612 31-12-1963	1-2-1974	31-1-1975	National Refinery Pvt. Ltd., 205/207, Swami Vivekanand Road, Jogeshwari Bombay-60	Silver copper brazing alloys of the following branch brands:— (i) Lunol 440; (ii) Lunol 510; and (iii) Lunol 626 IS : 2927—1964	
16. CM/L-615 31-12-1963	1-2-1974	31-1-1975	Bayer (India) Ltd., Kolshet Road, Thana (Maharashtra)	Parathion EC— IS : 2129—1962	
17. CM/L-631 21-2-1964	1-2-1974	31-1-1975	Do.	Formulations based on stabilized methoxy ethyle mercury chloride concentrates— IS : 2358—1963	
18. CM/L-632 21-2-1964	1-2-1974	31-1-1975	Do.	Organo mercurial seed dressing— IS : 3284—1965	
19. CM/L-654 28-4-1964	1-3-1974	28-2-1975	Sree Venkateswara Minerals (P) Ltd., Elaiya Mudali Street, Tondarpet, Madras-21	BHC DP— IS : 561—1962	
20. CM/L-678 29-5-1964	16-2-1974	15-2-1975	Ankar Industries, Jessore Road, Mahdyagram, 24-Parganas	Endrin EC— IS : 1310—1958	
21. CM/L-730 29-6-1964	1-2-1974	31-1-1975	Nav Bharat Steel Rolling Mills, Bombay-Agra Road, Bhandup, Bombay-78	Structural steel (standard quality)— IS : 226—1969	
22. CM/L-731 29-6-1964	1-2-1974	31-1-1975	Do.	Structural steel (ordinary quality)— IS : 1977—1969	
23. CM/L-756 12-8-1964	1-3-1974	28-2-1975	Sree Venkateswara Minerals (P) Ltd., 3, Elaiya Mudali Street, Tondarpet, Madras-21.	DDT DP— IS : 564—1961	

1	2	3	4	5	6
24. CM/L-834 9-11-1964	1-2-1974	31-1-1975	Special Steel Limited, Dattapara Road, Borivli (East), Bombay-92	Steel wire for the core of steel-cored aluminium conductors for overhead power transmission purposes— IS : 398—1961	
25. CM/L-987 29-12-1964	1-2-1974	31-1-1975	Raja Bahadur Motilal Poona Mills Ltd., 5, Raja Bahadur Motilal Road, Poona-1	(a) Stands for use with drafting machines; (b) Drafting units alongwith protractor head and scales for use with drafting machines; and (c) Compact drafting unit with 360° protractor head— IS : 2287—1970	
26. CM/L 989 31-12-1964	1-2-1974	31-1-1975	Special Steels Limited, Dattapara Road, Borivli (East), Bombay-92	Plain hard-drawn steel wire for prestressed concrete:— (a) Cold-drawn stress relieved wire— IS : 1785 (Part I)—1966 (b) AS-drawn wire— IS : 1785 (Part II)—1967	
27. CM/L-999 29-1-1965	16-2-1974	15-8-1974	Rajasthan Industrial & Scientific Corporation, 39, Industrial Area, Jhotwara, (Jaipur West), Jaipur	Water meters (domestic type) 15 mm size— IS : 779—1968	
28. CM/L-1020 4-3-1965	16-2-1974	15-2-1975	Indodan Milk Products Ltd., Budhana Road, Muzafarnagar (U.P.)	Condensed milk, full cream, sweetened— IS : 1166—1957	
29. CM/L-1152 12-10-1965	1-2-1974	31-1-1975	Bayer (India) Limited, Kolshet Road, Thana	Methyle parathion emulsifiable concentrates— IS : 2865—1964	
30. CM/L-1156 20-10-1965	1-1-1974	30-6-1974	Traco Cable Company Limited, Irimpanam, Thiruvamkulam Village, Kanayannur Taluk, Ernakulam Distt. (Kerala)	PVC insulated (heavy duty) cables for working voltages up to and including 1100 volts with copper or aluminium conductors— IS : 1554 (Part I)—1964	
31. CM/L-1196 10-1-1966	1-1-1974	31-12-1974	E.J.D. Parry Ltd., Ranipet (North Arcot District (Tamil Nadu)	Vitreous sanitary appliances (vitreous China)— IS : 2556 (Part II to X)—1967 (i) Wash-down water-closets, pattern 1, height 400 mm front and rear (with P-trap and S-trap); (ii) Squatting pans : sizes 580×440 mm and 630×450 mm (Orissa Patterns); sizes 580 mm and 680 mm (Long Pan Pattern with corresponding traps—box rim type only); size 630 mm (Bombay pattern box rim type); (iii) Wash Basins : (a) Flat back—size 660 × 460 mm (Hospital use), size 550×400 mm, size 630×450 mm (Jamuna Lavatory), size 450×300 mm (Tunga Basin); (b) Angle back size 600×480 mm and 400×400 mm (Corner basin); and (c) Long pedestal (iv) Laboratory sinks, sizes 450×300×150 mm and 500×350×150 mm. (v) Urinals : bowl, flat back, size 430×260×350 mm; squatting plate size 600×350 mm; (vi) Plains, Half round channel; (vii) Single and Double trapsyphonic unit water closets, S-trap and P-trap; (viii) Bidet : (a) small size (b) large size with four holes; (ix) Foot rests; (x) King mere wash basin, size 550×400 mm, single tap hole IS : 2556 (Pt IV—1967);	

1	2	3	4	5	6
					(xi) Wash down water closet IS : 2556 (Pt II—1967); and (xii) Jamuna wash basin, size 550 × 450mm single tap hole— IS : 2556 (Pt IV—1967)
32. CM/L-1206 4-2-1966	1-3-1974	31-8-1974	U.P. Cable Company, 4 DLF, Industrial Area, Najafgarh Road, New Delhi-15	PVC insulated cables— IS : 694 (Parts I & II)—1964	
33. CM/L-1231 25-3-1966	1-2-1974	31-1-1975	Special Steels Limited, Dattapara Road, Borivli (East), Bombay-92	(a) Galvanized round armour wires for electric cables— IS : 434 (Part II)—1964; and (b) Mild steel wires and strips for armouring cables— IS : 3975—1967	
34. CM/L-1319 29-8-1966	16-1-1974	15-1-1975	Dukart & Company Pvt. Ltd., 83, Tapsia Road (South) Calcutta-46	Integral cement water-proofing compound— IS : 2645—1964	
35. CM/L-1323 31-8-1966	1-1-1974	31-12-1974	Shalimar Tar Products (1935) Ltd., Lodna (Bihar)	Hot applied sealing compound, Grade 'B'— IS : 1834—1961	
36. CM/L-1372 26-12-1966	1-1-1974	31-12-1974	Imperial Stores & Agency Co., 41, Simla Road, Manicktola, Calcutta-6	Tea-chest metal fittings— IS : 10—1970	
37. CM/L-1384 30-12-1966	1-2-1974	31-1-1975	Hoosini Metal Rolling Mills P. Ltd., Tambawala Properties, Reay Road, Bombay-10	Aluminium utensils— IS : 21—1959	
38. CM/L-1444 16-5-1967	1-1-1974	31-5-1974	Pesticides India, Vdaisagar Road, Udaipur (Raj.)	Formulations based on stabilized methoxy ethyl mercury chloride concentrates— IS : 2358—1963	
39. CM/L-1487 10-8-1967	1-2-1974	31-1-1975	Ashwin Industries, Samlaya, Distt. Baroda.	18-Litre square tins— IS : 916-1966	
40. CM/L-1516 15-9-1967	16-1-1974	15-1-1975	Star Fitting Works, 17, Hurro Chandra Mullick Street, Calcutta-5.	Tea-chest metal fittings— IS : 10—1970	
41. CM/L-1532 28-9-1967	16-1-1974	15-7-1974	Rashtriya Engineering Works (Regd.), G.T. Road, Batala (Punjab)	Sand cast iron soil pipes, 50 mm, 75 mm and 100 mm sizes only— IS : 1729—1964	
42. CM/L-1606 5-1-1968	16-1-1974	15-1-1975	Hind Metal Industries, 1, P. N. Mitra Lane, Tollygunge, Calcutta-53	Tea-chest metal fittings— IS : 10—1970	
43. CM/L-1610 5-1-1968	1-2-1974	31-1-1975	Khemani & Sons, Malipatty, Dibrugarh (Assam)	Tea-chest metal fittings— IS : 10—1970	
44. CM/L-1616 11-1-1968	16-1-1974	15-1-1975	Brijbasi Insulated Cable Co., 4/19, Bhuteshwar Road, Mathura (U.P.)	Rubber-insulated cables— IS : 434 (Parts I & II)—1964	
45. CM/L-1617 11-1-1968	16-1-1974	15-1-1975	Do.	PVC insulated cables— IS : 694 (Parts I & II)—1964	
46. CM/L-1626 24-1-1968	1-2-1974	31-1-1975	Zenith Steel Pipes Ltd., Khopoli, Distt. Kolaba (Maharashtra)	Mild steel tubes, light, medium and heavy grade, galvanized and black— IS : 1239—(Part I)—1968	
47. CM/L-1648 8-3-1968	1-1-1974	30-6-1974	Andamans Timber Industries Ltd., Port Blair, Andamans	Tea-chest plywood panels— IS : 10—1970	
48. CM/L-1877 23-12-1968	16-12-1973	15-12-1974	Cement Water Proof of India, 2, Prince Anwar Shah Road, Calcutta-33	Integral cement water proofing compound— IS : 2645—1964	
49. CM/L-1880 30-12-1968	1-1-1974	30-6-1974	Wood Craft Products Ltd., P. O. Jeypore Distt. Lakhimpur, (Upper Assam)	Wooden flush door shutters (solid core type) with plywood face panels— IS : 2202 (Part I)—1966	
50. CM/L-1884 31-12-1968	16-2-1974	15-2-1975	Indo Swedish Pipe Mfrs. Ltd., Nawal ganj, Tundla Road, Agra-6 (U.P.)	Centrifugally cast (spun) iron, waste and ventilating pipes, 75 mm and 100 mm only— IS : 3989—1967	
51. CM/L-1895 17-1-1969	1-2-1974	31-1-1975	Dhrangadhra Chemical Works Ltd., Sahapuram, Arumuganeri P.O., Tirunelveli Distt. (Tamil Nadu)	Trichloroethylene, technical— IS : 245—1970	
52. CM/L-1896 21-1-1969	1-1-1974	31-12-1974	The Indian Cables Co. Ltd., Golmuri, Jamshedpur.	Thermoplastic insulated weatherproof cables— (i) PVC insulated and PVC sheathed; (ii) Polyethylene insulated braided and compounded cables— IS : 3035 (Part I)—1965 and IS : 3035 (Part II)—1965	

(1)	(2)	(3)	(4)	(5)	(6)
53. CM/L-2030 25-7-1969	1-2-1974	31-1-1975	Kwality Ice Cream Co., B-12, Lawrence Road, Industrial Area, New Delhi	Ice Cream— IS : 2802—1964	
54. CM/L-2089 30-9-1969	16-1-1974	15-1-1975	Brijbasi Insulated Cable Co., 4/19, Bhuteshwar Road, Mathura (U.P.)	Thermoplastic insulated weatherproof cables— IS : 3035 (Part I & II)—1965 and IS : 3035 (Part III)—1967	
55. CM/L-2178 22-12-1969	1-1-1974	31-12-1974	Bengal Fittings Factory, P-10, Transport Depot Road, Calcutta-27	Tea-chest metal fittings— IS : 10—1970	
56. CM/L-2195 31-12-1969	1-1-1974	31-12-1974	P. Kothary & Co., 76/2/2, Maharshi Debendra Road, Calcutta-6	Tea-chest metal fittings— IS : 10—1970	
57. CM/L-2213 15-1-1970	16-1-1974	15-1-1975	Ajeet Industrial Corporation, Lakhimpur Oil Mill Area, Purnananda Das Road, Near Shantipara Railway Gate, Dibrugarh, Distt. Lakhimpur (Assam)	Tea-chest metal fittings— IS : 10—1970	
58. CM/L-2216 22-1-1970	1-2-1974	31-7-1974	Gurudev Industries Pvt. Ltd., 36, Panditla Road Calcutta-27	Tea-chest metal fittings— IS : 10—1970	
59. CM/L-2238 9-2-1971	1-2-1974	31-1-1975	South India Wire Ropes Ltd., Edathala P.O. Via Alwaye (Kerala)	Steel wire ropes for winding purposes in mines— IS : 1855—1961 Steel wire ropes for haulage purposes in mines— IS : 1856—1970	
60. CM/L-2239 9-2-1971	1-2-1974	31-1-1975	Do.	Steel wire ropes for general engineering purposes— IS : 2266—1970	
61. CM/L-2251 10-2-1970	16-2-1974	15-2-1975	Vijay Timber Trading Co., Dhangu Road, P.O. Pathankot, Distt., Gurdaspur (Punjab)	Plywood tea-chest battens— IS : 10—1970	
62. CM/L-2252 10-2-1970	16-2-1974	15-2-1975	B. Uttam Singh & Sons, 12, Basti Nau, Jullundur City (Punjab)	Hockey sticks— IS : 829—1965	
63. CM/L-2256 16-2-1970	16-2-1974	15-2-1975	Pack-well Industries, Kolshet Road, Thana	Parathion EC (Repacking)— IS : 2129—1962	
64. CM/L-2299 31-3-1970	16-2-1974	15-2-1975	Kapur Timbers, Khajuri Road, Yamunanagar, Distt. Ambala (Haryana)	Plywood tea-chest battens— IS : 10—1970	
65. CM/L-2367 13-7-1970	1-12-1973	30-11-1974	Cochin Tin Factory, Post Box No. 6, Palluruthy, Cochin-5, Ernakulam Distt. (Kerala)	Tea-chest metal fittings— IS : 10—1970	
66. CM/L-2370 21-7-1970	1-1-1974	31-12-1974	Assam Timber Treating Works, Margherita (Assam)	Tea-chest battens— IS : 10—1970	
67. CM/L-2400 31-8-1970	16-2-1974	30-11-1974	Arteer Minerals, 15/7, Mathura Road, Faridabad (Haryana)	Malathion emulsifiable concentrates— IS : 2567—1963	
68. CM/L-2459 30-11-1970	16-2-1974	15-2-1975	Bijaya Industries, 36/1/1/ Canal West Road, Calcutta-4	Steel drums, 20 litres capacity Grade B2 (Ungalvanized)— IS : 2552—1970	
69. CM/L-2477 7-12-1970	1-1-1974	31-12-1974	Assam Chemical Industries, Champaguri Road, Bongaigaon (Assam)	BHC, DP— IS : 561—1962	
70. CM/L-2510 15-1-1971	1-2-1974	31-1-1975	Rashmi Engineering Industries, C-5, Coimbatore Private Industrial Estate Pollachi Road, Coimbatore (Tamil Nadu)	Three-phase induction motors 2.2 KW (3hp), 3.7 kW (5 hp), 5.5 kW (7.5 hp) and 7.5 kW (10 hp) with Class 'A' insulation— IS : 325—1970	
71. CM/L-2532 15-1-1971	16-1-1974	15-1-1975	Dewan Industries (Regd), 308/5-A, Shahzada Bagh, Old Road, Delhi-7	Door closers (hydraulically regulated), Sizes 1 and 2 only— IS : 3564—1970	
72. CM/L-2532 4-2-1971	16-2-1974	15-2-1975	N. B. Industries, 12, Lakshmi Bai Nagar Industrial Estate, Fort, Indore (M.P.)	Water meters, inferential, Type P dry-dial, 15 mm size only— IS : 779—1968	
73. CM/L-2536 8-2-1971	1-2-1974	31-1-1975	Hindustan Steel Limited Baiyyappanahalli, Bangalore-2	Cold twisted deformed steel bars for concrete reinforcement— IS : 1786—1966	
74. CM/L-2537 8-2-1971	16-2-1974	15-2-1975	Vankos & Company 13/2, Industrial Estate, Patna-13	Portable jacks for automobiles, 4000 Kg, 8000 Kg and 10000 Kg capacity (hydraulically operated, bottom lifting type)— IS : 4552—1968	

(1)	(2)	(3)	(4)	(5)	(6)
75. CM/L-2560 19-2-1971	16-2-1974	15-2-1975	Bhuvaneswari Pulverising Mills, 4/5, Elaya Mudali, Madras-81.	DHC WDP— IS : 562—1962	
76. CM/L-2561 19-2-1971	16-2-1974	15-2-1975	Do.	DDT WDPC— IS : 565—1961	
77. CM/L-2562 19-2-1971	16-2-1974	15-2-1975	Do.	Endrin EC— IS : 1310—1958	
78. CM/L-2563 19-2-1971	16-2-1974	15-2-1975	Do.	DDT DP— IS : 564—1961	
79. CM/L-2592 16-3-1971	16-3-1974	15-3-1975	Tudiyalur Co-operative Agricultural Services Ltd., Tudiyalur P.O., Coimbatore-11	BHC DP— IS : 561—1962	
80. CM/L-2593 16-3-1971	16-3-1974	15-3-1975	Do.	DDT DP— IS : 564—1961	
81. CM/L-2682 18-5-1971	16-2-1974	15-2-1975	Wisdom Ink Company, C-3/15, Krishan Nagar, Delhi-51.	Ink, duplicating, for twin cylinder rotary machines— IS : 1222—1969	
82. CM/L-2688 26-5-1971	16-3-1974	15-3-1975	Tudiyalur Co-operative Agricultural Services Ltd., Tudiyalur P.O. Coimbatore-11.	Endrin EC— IS : 1310—1958	
83. CM/L-2720 28-7-1971	16-2-1974	15-2-1975	Udaipur Distillery Co. Pvt. Ltd., Udaipur Road, Udaipur (Rajasthan).	Rum— IS : 3811—1966	
84. CM/L-2721 28-7-1971	16-2-1974	15-2-1975	Do.	Brandy— IS : 4450—1967.	
85. CM/L-2722 28-7-1971	16-2-1974	15-2-1975	Do.	Gin— IS : 4100—1967	
86. CM/L-2744 25-8-1971	16-3-1974	15-3-1975	Tudiyalur Co-operative Agricultural Services Ltd., Tudiyalur P.O., Coimbatore-11.	BHC WDP— IS : 562—1962	
87. CM/L-2745 25-8-1971	16-3-1974	15-3-1975	Do.	DDT WDP— IS : 565—1961	
88. CM/L-2854 30-12-1971	1-1-1974	15-12-1974	Keen Pesticides (P) Ltd., South Vazhakkulam P.O., Kunnathundau Taluk, Via Alwaye, Distt. Ernakulam (Kerala).	Ethylparathion LC— IS : 2129—1962	
89. CM/L-2856 30-12-1971	1-1-1974	31-12-1974	Assam Veneer Company, Mergherita (Assam).	Tea-chest plywood panels— IS : 10—1970	
90. CM/L-2859 31-12-1971	16-2-1974	15-2-1975	Udaipur Distillery Co. Pvt. Ltd., Udaipur Road, Udaipur (Rajasthan).	Whisky— IS : 4449—1967	
91. CM/L-2864 5-1-1972	16-1-1974	15-1-1975	American Spring & Pressing Works Pvt. Ltd., Malad, Bombay-64 NB.	Single barrel strip pump— IS : 1971—1965	
92. CM/L-2867 10-1-1972	16-1-1974	15-1-1975	A.R. Dewanjee & Co., D-687, Lake Gardens, Calcutta-45.	Tea-chest metal fittings— IS : 10—1970.	
93. CM/L-2872 14-1-1972	16-1-1974	15-1-1975	Mukand Iron & Steel Works Ltd., Survey No. 144, Marol Village, Andheri-Kurla Road, Bombay.	Cold Twisted deformed steel bars for concrete reinforcement— IS : 1786—1966	
94. CM/L-2878 15-1-1972	1-2-1974	31-1-1975	Standard Batteries Ltd., Oldham Division, Post Box No. 2635, 21/22, Alandur Road, Madras-32 (Tamil Nadu).	Miners' cap lamp batteries (lead-acid type) 0.8 ampere rating— IS : 2512—1963	
95. CM/L-2882 20-1-1972	1-2-1974	31-1-1975	The Indian Tool Mfrs. Ltd., 101, Sion Road, Sion, Bombay-22	(i) Chucking reamers with parallel shanks; (ii) Chucking reamers with morse taper shanks; (iii) Socket reamers with morse taper shanks; (iv) Taper pin machine reamers; (v) Machine bridge reamers; (vi) Shell reamers; and (vii) Machine jig reamers— (i) IS : 5446—1969 (ii) IS : 5447—1969 (iii) IS : 5907—1970 (iv) IS : 5918—1970 (v) IS : 5919—1970 (iv) IS : 5926—1970 and (vii) IS : 6091—1971	

1	2	3	4	5	6
96. CM/L-2884 24-1-1972	1-2-1974	31-1-1975	Indore Steel & Iron Mills, Behind Forge & Blower Co., Naroda Road, Ahmedabad-2.		Cold twisted deformed steel bars for concrete reinforcement— IS : 1786—1966
97. CM/L-2885 24-1-1972	1-2-1974	31-1-1975	National Iron & Steel Co. Ltd., NISO WORKS, P.O., Belurmath, Howrah (W. Bengal).		Structural steel (standard quality)— IS : 226—1969
98. CM/L-2886 24-1-1972	1-2-1974	31-1-1975	Do.		Structural steel (ordinary quality)— IS : 1977—1969
99. CM/L-2887 25-1-1972	1-2-1974	31-1-1975	Bombay Chemicals Pvt. Ltd., 19, Victoria Road, Low Level, Ready Road, Mazagaon, Bombay-10.		Disinfectant fluids— IS : 1061—1964
100. CM/L-2903 14-2-1972	16-2-1974	15-8-1974	Allied Industries (Jaipur West), 38, Industrial Area, Jhotwara, Jaipur West Jaipur-6.		Cast iron flushing cisterns for water closets and urinals (bell type) high level, 12.5 litres capacity— IS : 774—1971
101. CM/L-2921 18-2-1972	16-2-1974	15-2-1975	Omega Cables Ltd., Plot No. 16 & 17, Industrial Estate, Ambattur, Madras-58.		AAC & ACSR conductors— IS : 398—1961
102. CM/L-2922 18-2-1972	16-2-1974	15-2-1975	Omega Cables Limited, Plot No. 16 & 17 Industrial Estate, Ambattur, Madras-58.		(a) PVC insulated cables :— (i) Single core (unsheathed and sheathed) 250/440 volts and 650/1 100 volts grade with aluminium or copper conductor; (ii) Twin core, (PVC sheathed) 250/440 volts grade with aluminium conductors; (iii) Four core, circular (PVC sheathed) 650/1 100 volts grade with aluminium conductor; and (b) PVC Insulated flexible cords :— (iv) PVC sheathed, 250/440 volts grade with copper conductor IS : 694(Parts I & II)—1964
103. CM/L-2923 18-2-1972	16-2-1974	15-2-1975	Do.		Polyethylene insulated and PVC sheathed cables with aluminium conductors, single core only— IS : 1596—1970
104. CM/L-2924 18-2-1972	16-2-1974	15-2-1975	Do.		Thermoplastic insulated weatherproof cables :— (1) Polyethylene insulated, taped, braided and compounded : (i) Single core, 250/440 volts and 650/1 100 volts grade with aluminium conductor; and (ii) Twin core, flat, 250/440 volts & 650/1 100 volts grade with aluminium conductors— IS : 3035 (Part II)—1965 (2) Polyethylene insulated and polyethylene sheathed :— (i) Single core, 250/440 volts and 650/1 100 volts grade with aluminium conductor; and (ii) Twin core, flat, 250/440 volts grade with aluminium conductor— IS : 3035 (Part III)—1967
105. CM/L-2960 10-3-1972	16-3-1974	15-3-1975	Manju Electrical Inds. Pvt. Ltd., Pollachi Road, Malumichampatti Post. Via. Industrial Estate, Coimbatore-21 (Tamil Nadu).		Three-phase induction motors up to 3.7 kW (5 hp), 5.5 kW (7.5 hp) and 7.5 kW (10 hp) with class 'A' insulation— IS : 325—1970
106. CM/L-2986 17-3-1972	16-2-1974	15-2-1975	Omega Cables Limited, Plot No. 16 & 17, Industrial Estate, Ambattur, Madras-58.		PVC insulated (heavy duty) electric cables for working voltages up to and including 1100 volts with aluminium or copper conductors— IS : 1554 (Part I)—1964
107. CM/L-3000 28-3-1972	1-2-1974	31-1-1975	Rashmi Engineering Industries, C-5, Coimbatore Pvt. Industrial Estate Pollachi Road, Coimbatore-641021.		Horizontal centrifugal pumps for clear, cold, fresh water for agricultural purposes, sizes 65 x 50 mm only— IS : 6595—1972

1	2	3	4	5	6
108. CM/L-3058 9-5-1972	1-3-1974	28-2-1975	Sree Venketeswara Minerals (Pvt) Ltd., 3, Elaiya Mudali Street, Tondarpet, Madras-21.	Endrin EC— IS : 1310—1958	
109. CM/L-3118 9-8-1972	16-3-1974	15-3-1975	Steel Sales (India) Pvt. Ltd., 131, In- dustrial Area, Chandigarh-2.	Rolled steel section, F7B for doors, win- dows— IS : 1038—1968	
110. CM/L-3124 21-8-1972	16-8-1973	15-8-1974	Krishichemin Products, Sarakki, Jaya- nagar (South) Bangalore-11.	Endrin, EC— IS : 1310—1958	
111. CM/L-3128 21-8-1972	16-8-1973	15-8-1974	Krishichemin Products, Sarakki, Jaya- nagar (South), Bangalore-11.	Malathion, EC— IS : 2567—1963	
112. CM/L-3173 28-9-1972	16-1-1974	15-1-1975	Amar Dye-chem. Limited, Shahad, Kalyan (Maharashtra).	M-chloro-aniline— IS : 4335—1967	
113. CM/L-3174 28-9-1972	16-1-1974	15-1-1975	Do.	P-Chloroaniline— IS : 4336—1967	
114. CM/L-3175 28-9-1972	16-1-1974	15-1-1975	Do.	2 : 5 Dichloroaniline— IS : 4526—1968	
115. CM/L-3176 28-9-1972	16-1-1974	15-1-1975	Do.	P-Anisidine— IS : 5646—1970	
116. CM/L-3177 28-9-1972	16-1-1974	15-1-1975	Do.	P-Toluidine— IS : 5647—1970	
117. CM/L-3178 28-9-1972	16-1-1974	15-1-1975	Do.	O-Toluidine— IS : 5649—1970	
118. CM/L-3185 30-10-1972	1-2-1974	31-1-1975	Chloride India Limited, Exide Works, 91 New Chord Road, Shamnagar, 24 Parganas (West Bengal).	Miners' cap lamp batteries (lead-acid type)— 0.8 amp and 1.0 amp rating— IS : 2512—1963	
119. CM/L-3274 5-1-1973	16-1-1974	15-6-1975	Guest Keen Williams Limited, 97, Andul Road, Howrah-3 (West Bengal)	Flame and induction Hardening steels— IS : 3930—1966	
120. CM/L-3275 5-1-1973	16-1-1974	15-6-1975	Do.	Carbon and carbon-manganese free-cut- tings steels— IS : 4431—1967	
121. CM/L-3276 5-1-1973	16-1-1974	15-6-1975	Do.	Steels for hardening and tempering IS : 5517—1969	
122. CM/L-3277 5-1-1973	16-1-1974	15-6-1975	Guest Keen Williams Limited, 97, Andul Road, Howrah-3 (West Bengal).	Steel for the manufacture of volute and helical springs (For railway rolling stock)— IS : 3195—1965	
123. CM/L-3278 5-1-1973	16-1-1974	15-6-1975	Do.	Steel for the manufacture of laminated springs (railway rolling stock)— (a) Part I Flat Sections— IS : 3885 (Pt I)—1966 (b) Part II Rib and Groove Sections— IS : 3885 (Pt. II)—1969	
124. CM/L-3279 5-1-1973	1-1-1974	31-12-1974	Kosan Metal Products P. Ltd., Kal- meshwar, Near Kalmeshwar Rly. Station, Tehsil Saoner, Distt. Nagpur (Maharashtra).	Welded low carbon steel gas cylinders of 33.3 litres water capacity for the storage and transportation of low pressure liqui- fiable gases. IS : 3196—1968	
125. CM/L-3280 8-1-1973	16-1-1974	15-1-1975	Ruston & Hornsby (India) Ltd., Chin- chwad, Poona-19 (Maharashtra).	Horizontal diesel engines of the following ratings :— kW R.P.M. Type 3.90 (5.3 HP) 550 IHR 7.36 (10.0 HP) 450 IYHR (Type HR) 7.72 (10.5 HP) 475 1ZHR (Type HR) — IS : 1601—1960	
126. CM/L-3290 8-1-1973	16-1-1974	15-7-1974	Rashtriya Engg. Works (Regd), G.T. Road Batala (Punjab).	Cast iron rainwater pipes, 100 mm size only. IS : 1230 —1968	
127. CM/L-3297 9-1-1973	1-3-1974	28-2-1975	Kare Private Limited, 13/7, Mathura Road, Faridabad (Haryana).	(a) Spindle blade screw drivers (engi- neers'); (b) Spindle blade screw drivers light duty (electricians); and (c) Screw drivers for philips head screws— IS : 844 (Pts I&II)—1972	
128. CM/L-3301 7-1-1973	1-2-1974	31-1-1975	Krishichemin Products, Sarakki, Jaya- nagar (South), Bangalore-1.	Malathion DP— IS : 2568—1963	

1	2	3	4	5	6
129.	CM/L-3302 17-1-1973	1-2-1974	31-7-1974	Modern Industries G.T. Road, Sahiba- bad (Ghaziabad) U.P.	Rolled steel sections F4B for doors, windows and ventilators— IS : 1038—1968
130.	CM/L-3304 23-1-1973	16-1-1974	15-6-1975	Guest Keen Williams Ltd., 97, Andul Road, Howrah-3 (West Bengal).	Carbon steel black bars for production of machined parts for general engineering purposes— IS : 2073—1970
131.	CM/L-3305 23-1-1973	16-1-1974	15-6-1975	Do.	Case hardening steels— IS : 4432—1967
	CM/L-3306 29-1-1973	1-2-1974	31-7-1974	Bengal Potteries Limited, Factory No. 2 3-Pagladanga Road, Calcutta-10.	Porcelain insulators for overhead power lines, 11 kW, pin type— IS : 731—1971
133.	CM/L-3310 30-1-1973	1-2-1974	31-1-1975	Oswal Cables (P) Ltd., 139, Industrial Area, Jhotwara, Jaipur-6.	Hard-drawn stranded aluminium and steel- cored aluminium conductors for over- head power transmission purposes— IS : 398—1961
134.	CM/L-3311 30-1-1973	1-2-1974	31-1-1975	Indian Plastics Ltd., Poisar Bridge, Kandivli, Bombay-67.	Melamine formaldehyde moulding materials— IS : 3669—1966
135.	CM/L-3314 31-1-1973	1-2-1974	31-1-1975	Radio Electricals Mfg. Co. Ltd., Mysore Road, Bangalore-26 (Karnataka).	Thermoplastic insulated weatherproof cables PVC insulated and PVC shea- thed :— (i) Single core, 250/440 volts and 650/ 1100 volts grade with aluminium con- ductor; and (ii) Twin core, flat, 250/440 volts grade with aluminium conductor— IS : 3035 (Part I)—1965
136.	CM/L-3318 31-1-1973	1-2-1974	31-1-1975	Hind Trading & Mfg., Co., 3706, Gali Barna, Bara Tooti, Sadar Bazar, Delhi-6.	Sand cast brass screw down bib taps and stop taps, 15 mm size only— IS : 781—1967
137.	CM/L-3319 31-1-1973	1-2-1974	31-1-1975	Aurofood Private Limited, Auroville P.O. Via : Pondicherry.	Biscuits— IS : 1011—1968
138.	CM/L-3327 6-2-1973	1-2-1974	31-1-1975	Radio Electricals Mfg. Co. Ltd., Mysore Road, Bangalore-26 (Karnataka).	PVC insulated (heavy duty) unarmoured electric cables for working voltages upto and including 1100 volts with copper conductor— IS : 1554 (Part I)—1964
139.	CM/L-3329 9-2-1973	1-2-1974	31-7-1974	Zodiac Electricals Pvt. Ltd., 45th Kilo- metre Stone, Baroda-Kalol-Godhra State, Highway No. 5, Near Rly. crossing, Village Dunia, Taluka Halol, Distt. Panchmahals (Gujarat).	All aluminium conductors and ACSR Conductors— IS : 398—1961
140.	CM/L-3339 22-2-1973	1-3-1974	28-2-1975	Hans Raj Mahajan & Sons P. Ltd., G.T. Road, Jullundur City.	Cricket bats— IS : 828—1966
141.	CM/L-3340 22-2-1973	1-3-1974	28-2-1975	Do.	Hockey sticks— IS : 829—1965

[No. CMD/13 : 12]

का० आ० 465.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन बिज्ञान) विनियम, 1955 के विनियम 8 के उपविनियम (1) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि नीचे अनुसूची में विवरण सहित दिए गए 136 साइसेंसों का नवीकरण माह मार्च, 1974 में किया गया है।

अनुसूची

क्रम संख्या	साइसेंस संख्या और तिथि	वैधता की अवधि से	तक	साइसेंसधारी का नाम और पता	साइसेंस के अधीन वस्तु प्रक्रिया और तत्सम्बन्धी पदनाम
1	2	3	4	5	6
	1. सी एम/एल-50 20-1-1958	1-2-1974	31-1-1975	इस्ट इण्डिया प्लास्मिड कं० लि०, 2 नेताजी सुभाष रोड, कलकत्ता	चाय की पेटियों के लिए प्लास्मिड के तख्ते— IS : 10—1970

1	2	3	4	5	6
2. सी एम/एल-51 20-1-1958	1-2-1974	31-1-1975	जैपुर टिम्बर एण्ड बेनियर मिल्स प्रा० लि०, डिब्रूगढ़, जिला लखीमपुर (ऊपरी असम)	चाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1970	
3. सी एम/एल-59 20-1-1958	1-2-1974	31-1-1975	असम बंगाल बेनियर इण्डस्ट्रीज प्राइवेट लि० 9, क्लाइव रोड, कलकत्ता-1	चाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1970	
4. सी एम/एल-78 24-4-1958	1-2-1974	31-1-1975	आसले एंड टाबर्स प्रा० लि०, 7-ए, लोअर सर्कुलर रोड, कलकत्ता-17	चाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1970	
5. सी एम/एल-80 24-4-1958	1-3-1974	28-2-1975	दास एण्ड कम्पनी, 32, चौलपट्टी रोड, रोड, कलकत्ता-10	चाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1970	
6. सी एम/एल-82 24-4-1958	1-2-1974	30-4-1974	धुबरी प्लाइवुड फैक्टरी, धुबरी (असम)	चाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1970	
7. सी एम/एल-86 24-4-1958	1-2-1974	31-1-1975	वि सुरमा सेब एण्ड इण्डस्ट्रीज प्रा० लि०, 67 बी, नेताजी सुभाष रोड, कलकत्ता-1	चाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1970	
8. सी एम/एल-105 30-10-1958	16-2-1974	15-2-1975	सन्तान प्लाइवुड मिल्स, कोट्टायम (केरल)	चाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1970	
9. सी एम/एल-120 20-3-1959	1-1-1974	31-12-1974	हिमालियन प्लाइवुड इण्डस्ट्रीज प्रा० लि०, तिनसुखिया (असम)	चाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1970	
10. सी एम/एल-135 15-7-1959	1-2-1974	31-1-1975	सारदा प्लाइवुड इण्डस्ट्रीज (प्रा०) लि०, जैपुर रोड, डाकघर जैपुर (असम)	चाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1970	
11. सी एम/एल-149 25-9-1959	1-1-1974	31-12-1974	एनको प्लाइवुड एण्ड सा मिल्स इण्डस्ट्रीज, सिलीगुड़ी, डाकघर सिलीगुड़ी, जिला दार्जिलिंग (प० बंगाल)	चाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1970	
12. सी एम/एल-208 29-7-1960	16-2-1974	15-2-1975	बंगाल केमिकल फार्मास्यूटिकल वर्क्स लि०, 6, गणेशचन्द्र एवेन्यू, कलकत्ता	नेप्थालीन— IS : 539-1965	
13. सी एम/एल-224 16-9-1960	1-1-1974	31-12-1974	स्वराज प्लाइवुड वर्क्स, कोट्टायम (केरल)	चाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1970	
14. सी एम/एल-278 27-2-75	1-3-1974	28-2-1975	एलुमिनियम केबल्स एण्ड कण्डक्टर्स (उ० प्र०) प्रा० लि०, 47, हाइड रोड एक्सटेंशन, कलकत्ता-27	पूर्ण एलुमिनियम तथा इस्पात की कोर वाले एलुमिनियम चालक— IS : 398-1961	
15. सी एम/एल-327 31-7-1961	1-2-1974	31-1-1975	इण्डिया प्लाइवुड कम्पनी, 33, एस० के० देव रोड, पतिपुकार (बमबम) कलकत्ता-48	चाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1970	
16. सी एम/एल-450 30-8-1962	16-3-1974	15-3-1975	कोयम्बतूर प्रीमियर कारपोरेशन, पटेल रोड, कोयम्बतूर-9	छोटी एसी यूनिवर्सल मोटर 'ए' श्रेणी के इन्तु- लेशन लगी— IS : 996-1964	
17. सी एम/एल-451 30-8-1962	16-3-1974	15-3-1975	कोयम्बतूर प्रीमियर कारपोरेशन प्रा० लि०, पटेल रोड, कोयम्बतूर-9	तीन फेजी प्रेरण मोटर, कैपसि 7.5 कि०वा० (10 हा०पा०) तक की 'ए' श्रेणी के इन्तुलेशन लगी— IS : 325-1970	
18. सी एम/एल-496 9-1-1963	16-3-1974	15-3-1975	सर्वजीत इलेक्ट्रिक वर्क्स, रूरक रोड, गोरिया, उत्तरी रेलवे, जिला जलंधर	सामान्य काम वाले एयर-ब्रेक स्विच और एयर- ब्रेक स्विचों और फ्यूजों की मिश्र इकाइयाँ : 15 अम्पी 250 वोल्ट एम डी एम टाइप फ्यूज आधार और -वाहक— IS : 4064-1967	

1	2	3	4	5	6
19. सी एम/एल-515 15-3-1963	1-4-1974	31-3-1975	ए० एम० रहमानी, 1863, कालूपुर, पंथपट्टी, ग्रहमवाबाद-1	रंजकों से बनी फाउन्टेनपेन की स्थापना— IS : 1221-1971	
20. सी एम/एल-525 28-3-1963	1-2-1974	31-1-1975	हैट्स एण्ड मेजर्स सिग्नलकेट, 76/2, इच्छा- पुर रोड, हावड़ा	(क) एक फेजी ए०सी० कैपीसीटर स्टार्ट मोटर, 0.12 कि०वा० (1/6 हा०पा०) से 8.75 कि०वा० (1 हा०पा०) 'ए' श्रेणी के इन्सुलेशन लगी— IS : 996-1964 (ख) छोटी तीन फेजी प्रेरण मोटर, 0.37 कि०वा० (1/2 हा०पा०) से 1.5 कि०वा० (2 हा०पा०) 'ए' श्रेणी के इन्सुलेशन लगी— IS : 325-1970	
21. सी एम/एल-546 5-6-1963	1-3-1974	30-4-1974	बृत्त टिम्बर असम प्रा० लि०, मकुम रोड, तितमुखिया (असम)	बाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1970	
22. सी एम/एल-663 1-5-1964	1-3-1974	28-2-1975	इण्डस्ट्रियल केबल्स (इण्डिया) लि०, इण्डस्ट्रियल एरिया, राजपुरा (पंजाब)	33 कि०वा० तक की बिजली की मजबूती के लिए एलुमिनियम बालकों वाले कागज रोधित सीसा के बालवार केबल— IS : 692-1965	
23. सी एम/एल-747 28-7-1964	16-2-1974	15-2-1975	रेडियो एण्ड इलेक्ट्रिकल्स मैग्नु० कं० लि०, मेसूर रोड, बंगलौर-26	पानी के मोटर (बरेलू प्रकार के) शुष्क ड्रायल टाइप, 15 मिमी, 20 मिमी और 25 मिमी साइज के— IS : 779-1968	
24. सी एम/एल-806 28-11-1964	1-1-1974	31-12-1974	बि नार्थवुड जूट कं० लि० चार्टर्ड बैंक बिस्मिल कलकत्ता-1	पटसन सैकिंग और सैकिंग कपड़ा— IS : 1949-1964 IS : 2874-1964 IS : 2875-1964 IS : 2866-1965 IS : 3794-1966 IS : 3667-1966 IS : 3668-1966 IS : 3750-1966 IS : 3751-1966	
25. सी एम/एल-875 28-11-1964	1-12-1973	30-11-1974	ग्रंगुस कम्पनी लि०, 3, कलाहव रो, कलकत्ता-1	भारतीय टाट— IS : 2818 (भाग 2)-1971	
26. सी एम/एल-876 28-11-1964	1-12-1973	30-11-1974	"	पटसन सैकिंग और सैकिंग कपड़ा— IS : 1943-1964 IS : 2874-1964 IS : 2875-1964 IS : 2566-1965 IS : 3794-1966 IS : 3794-1966 IS : 3667-1966 IS : 3668-1966 IS : 3750-1966 IS : 3751-1966	
27. सी एम/एल-879 28-11-1964	1-12-1973	30-11-1974	टीटागढ़ जूट फैक्टरी कं० लि०, (मिल संख्या 2) 3, कलाहव रो, कलकत्ता-1	टाट के बोरे— IS : 2818-1971 IS : 3790-1966	
28. सी एम/एल-880 28-11-1964	1-12-1973	30-11-1974	टीटागढ़ जूट फैक्टरी कं० लि०, (मिल संख्या 2) 3, कलाहव रो, कलकत्ता	सैकिंग (समूह 1)— IS : 1943-1964 IS : 2574-1964 IS : 2875-1964 IS : 2566-1965 IS : 3794-1966 IS : 3667-1966 IS : 3750-1966 IS : 3751-1966	
29. सी एम/एल-941 28-11-1964	1-12-1973	30-11-1974	न्यू सेंट्रल जूट मिल्स कं० लि०, (एलवायन मिल्स) 11, कलाहव रोड, कलकत्ता-1	टाट IS : 2818 (भाग 2)-1971 और टाट के बोरे— IS : 3790-1966	

1	2	3	4	5	6
30. सी एम/एल-942 28-11-1964	1-12-1973	30-11-1974	न्यू सेंट्रल जूट मिल्स कं. लि० (एल्बायन मिल्स) 11, कपाइव रोड, कलकत्ता-1	सैंकिंग (समूह-1) IS : 1943-1964 IS : 2875-1964 IS : 3794-1966 IS : 3768-1966 IS : 3751-1966	IS : 2874-1964 IS : 2566-1965 IS : 3667-1966 IS : 3750-1966
31. सी एम/एल-943 28-11-1964	1-12-1973	30-11-1974	न्यू सेंट्रल जूट मिल्स कं. लि०, (लोथियन मिल्स) बजबज 24 परगना (प० बंगाल)	टाट—IS : 2818 (भाग 2) 1971 और (ख) टाट के बारे— IS : 3790-1966	
32. सी एम/एल-949 28-11-1964	1-12-1973	30-11-1974	श्री हनुमान जूट मिल्स 36, औरंगी रोड, कलकत्ता-16	(क) भारतीय टाट— IS : 2818 (भाग 2)-1971 और (ख) टाट के बारे— IS : 3790-1966	
33. सी एम/एल-950 28-11-1964	1-12-1973	30-11-1974	श्री हनुमान जूट मिल्स, 36 औरंगी, रोड, कलकत्ता-16	पटसन सैंकिंग और सैंकिंग कपड़ा — IS : 1943-1964 IS : 2874-1964 IS : 2875-1964 IS : 3794-1966	IS : 3667-1966 IS : 3668-1966 IS : 3750-1966 IS : 3751-1966
34. सी एम/एल-989 31-12-1964	1-2-1974	31-1-1975	स्पेशल स्टील्स लिमिटेड वस्तुपाड़ा रोड, बोरील्ली (पूर्व) बम्बई-92	कंक्रीट के लिए पूर्व प्रबलित सादे समतल खिंचे इस्पात के तारः (क) प्रबलन रहित ठेके खिंचे तार— IS : 1785 (भाग 1)-1966 (ख) सादे खिंचे तार— IS : 1785 (भाग 2)-1967	
35. सी एम/एल-998 27-1-1965	16-2-1974	15-2-1975	एम एल डे एण्ड कंपनी 28 बीटी रोड, कासीपुर कलकत्ता-2	इस्पात के ड्रम— IS : 2552-1970	
36. सी एम/एल-1007 8-2-1965	16-2-1974	15-2-1975	बी भार हरमन एण्ड मोहट्टा (इंडिया) प्रा० लि० उल्लाम नगर, कल्याण	संरचना इस्पात (मानक किस्म)— IS : 226-1969	
37. सी एम/एल-1008 8-2-1965	16-12-1974	15-2-1975	„	संरचना इस्पात (साधारण किस्म) IS : 1977-1969	
38. सी एम/एल-1078 31-5-1965	16-3-1974	15-3-1975	श्री हनुमान इंडस्ट्रीज, 65 ए. जी टी रोड, लिलुहा, हावड़ा	10 लिटर और 12.5 लिटर समाई की ऊँचाई पर लगने वाली नीचे से चौड़ी डलवा लोहे की फ्लश की टंकिया— IS : 774-1971	
39. सी एम/एल-1123 12-10-1965	1-1-1974	31-12-1974	जनरल इंजीनियरिंग एण्ड इलेक्ट्रिक वर्क्स, 9 दीनू सेन, हावड़ा	तीन फेजी प्रेरण मोटर 0.37 (1/2 हापा) से 1.5 किबा (2 हापा) तक की 'ए' श्रेणी के इंसुलेशन लगी— IS : 325-1970	
40. सी एम/एल-1184 17-12-1965	1-3-1974	28-2-1975	टेक्समो इंडस्ट्रीज, जी एन मिल्स डाकघर कोयम्बतूर-11	तीन फेजी प्रेरण मोटर 15 किबा (20 हापा) तक की 'ए' श्रेणी के इंसुलेशन लगी— IS : 325-1970	
41. सी एम/एल-1225 11-3-1966	16-3-1974	15-3-1975	जे जे एच इंडस्ट्रीज प्रा० लि०, 9-ट्रीनपोर्ट डिपो रोड, (हावड़ा रोड एक्सटेंशन) कलकत्ता-27	पूर्ण एलुमिनियम चालक और इस्पात की कोर वाले एलुमिनियम चालक— IS : 398-1961	

(1)	(2)	(3)	(4)	(5)	(6)
42. सी एम/एल-1335 27-9-1966	1-3-1974	31-8-1974	इलेक्ट्रिकल मैन्यू कं० लि०, 136, जेसोर रोड, कलकत्ता-55	(क) शिरोपरि पावर लाइनों के लिए एलुमिनियम और इस्पात की कोर वाले एलुमिनियम चालकों की फिटिंग— IS : 2121-1962 (ख) पावर लाइनों के रोधक फिटिंग— IS : 2486 (भाग 1)-1971	
43. सी एम/एम-1510 8-9-1967	16-3-1974	15-3-1975	एसोसियेटेड वायर्स एण्ड कंडक्टर्स कं० प्रा० लि०, टांडा रोड, जलंधर शहर	शिरोपरि पावर प्रेषण कार्यों के लिए सांबल खिचे लड़दार एलुमिनियम और इस्पात की कोर वाले एलुमिनियम चालक— IS : 398-1961	
44. सी एम/एल-1605 5-1-1968	16-3-1974	15-3-1975	मक्कु टी बेस्ट फिटिंग्स मैन्यू० कंपनी डाकघर मकूम जंक्शन मकुम, दिगबाय (ऊपरी असम)	चाय की पेटियों के लिए धातु के फिटिंग— IS : 10-1970	
45. सी एम/एल-1627 24-1-1968	1-2-1974	31-1-1975	प्रीमियर टिम्बर एंड प्लार्डवुड प्राइवेट्स, नगरकट जिला जलपाइगुडी (पं० बंगाल)	चाय की पेटियों के लिए प्लार्डवुड के तख्ते— IS : 10-1970	
46. सी एम/एल-1628 25-1-1968	1-2-1974	31-7-1975	राष्ट्रीय मेटल इंडस्ट्रीज लि०, धंधेरी-कुरला रोड, जे बी नगर बम्बई-59 ए एस	बर्तन बनाने और सामान्य कार्यों में उपयोग के लिए तांबे की चदर और पत्ती-थेड 2 IS : 1550-1967	
47. सी एम/एल-1638 16-2-1968	16-2-1974	15-2-1975	हिन्दुस्तान कंडक्टर्स प्रा० लि०, डी० रेलवे केबिन के सामने, छानी रोड, बड़ौदा-2	पूर्ण एलुमिनियम चालक और इस्पात की कोर वाले एलुमिनियम चालक— IS : 398-1961	
48. सी एम/एल-1641 22-2-1968	1-3-1974	28-2-1975	भानसिंह इंडस्ट्रीज प्रा० लि० पंचोरा, जिला जलगांव (महाराष्ट्र)	18 लिटर समाईवाले वर्गाकार टिन— IS : 916-1966	
49. सी एम/एल-1650 8-3-1968	16-3-1974	15-3-1975	दि इंडियन एलुमिनियम केबल्स लि०, 7/1 मील परथर, जी टी रोड गाजियाबाद (उ० प्र०)	शिरोपरि पावर प्रेषण कार्यों के लिए सख्त खिचे लड़दार एलुमिनियम और इस्पात की कोर वाले चालक— IS : 398-1961	
50. सी एम/एल-1686 30-4-1968	16-2-1974	15-2-1975	पालसंस इंडस्ट्रीज, मुलतानपुर रोड, कपूरथला (पंजाब)	डोर क्लोजर्स (द्रव नियंत्रित) केवल साइज 2 और 3— IS : 3564-1970	
51. सी एम/एल-1733 8-7-1968	16-1-1974	15-1-1975	सन इंडस्ट्रीज 93, जंगलपुर रोड, वमदम गेट नम्बर 3 के निकट बिराही, कलकत्ता-51	चाय की पेटियों के लिए प्लार्डवुड के तख्ते— IS : 10-1970	
52. सी एम/एल-1756 29-7-1968	1-2-1974	31-7-1974	राज मकेनिकल इंजीनियरिंग कं०, 194, गुनेश्वर ब्लाक पलेस गट्टाहली, बंगलोर-3	आकृति 2 बी० में दी गई सभी प्रकार साइज की इस्पात की खिड़कियां— IS : 1038-1968	
53. सी एम/एल-1823 31-10-1968	16-1-1974	15-1-1975	दि हिन्दुस्तान बुड इंडस्ट्रीज बल्लमकुलम् पूब डाकघर (बरास्ता तिरुवला) प्रलेप्पी जिला (केरल)	चाय की पेटियों के लिए प्लार्डवुड के तख्ते— IS : 10-1970	
54. सी एम/एल-1889 9-1-1969	16-1-1974	15-1-1975	हिन्द प्लार्डवुड इंडस्ट्रीज, 2, गुरुदास दत्ता गार्डन लेन, कलकत्ता-700004	चाय की पेटियों के लिए प्लार्डवुड के तख्ते— IS : 10-1970	
55. सी एम/एल-1905 29-1-1969	1-2-1974	31-1-1975	कंसल मशीनरी 36, हूवय कृष्ण ब्रनर्जी लेन, हावड़ा	डोर क्लोजर्स (द्रव नियंत्रित) साइज-2 IS : 3564-1970	

(1)	(2)	(3)	(4)	(5)	(6)
56. सी एम/एल-1914 7-2-1969	16-2-1974	15-8-1974	जनरल इंजीनियरिंग कम्पनी, मेट्रो पल्लायम् रोड, कोयम्बरूर-11 (तमिलनाडु)	तीन फेजो प्रेरण मोटर 2.2 किवा (3 हापा) 3.7 किवा (5 हापा) और 5.5 किवा (7.5 हापा) 'ए' श्रेणी के इंसुलेशन लगी— IS : 325-1970	
57. सी एम/एल-1921 18-2-1969	1-3-1974	28-2-1975	इंडस्ट्रियल केबल्स (इ०) लि०, इंडस्ट्रियल एरिया राजपुरा (पंजाब)	(क) 1100 बोल्ड तक की कार्यकारी बोल्डता के लिए पीबीसी (भारी ड्यूटी) बिजली के केबल और (ख) 3.3 किवा तक की कार्यकारी बोल्डता के लिए पीबीसी (भारी ड्यूटी) बिजली के केबल— IS : 1554 (भाग 1)-1964 और IS : 1554 (भाग 2)-1970	
58. सी एम/एल-1932 10-3-1969	16-3-1974	15-3-1975	एन० डी० बिडसर एण्ड कम्पनी, 6 ए, सहारनपुर रोड, देहरादून (उ. प्र.)	जाबटरी थर्मामीटर— IS : 3055-1965	
59. सी एम/एल-1959 30-4-1969	1-2-1974	31-1-1975	असम टिम्बर ट्रेडिंग बर्से, डाकघर मारघरिटा जिला लखीमपुर (असम)	चाय की पेटियों के लिए प्लाईवुड के तख्ते— IS : 10 1970	
60. सी एम/एल-2007 7-7-1969	16-2-1974	15-2-1975	के० टी० रोलिंग मिल्स प्रा० लि०, बावलपुर, रोड, अम्बरेनाथ मध्य रेलवे, जिला धाना (महाराष्ट्र)	संरचना इस्पात (मानक किस्म)— IS : 226-1969	
61. सी एम/एल-2016 9-7-1969	1-1-1974	31-1-1974	इंटरनेशनल इंडस्ट्रीज 10, बम्बई टिम्बर मार्फेट सिगनल हिल एवेन्यू, रे रोड, बम्बई	क्षैतिज नुमा गोलाकार उच्च गति वाले माप/ चालित स्ट्रेलाइजर दाब प्रकार के— IS : 4510-1968	
62. सी एम/एल-2017 10-7-1969	1-1-1974	31-12-1974	इ आई डी पेंरी लि० रानी पेट, नार्थ आर्काट जिला (तमिलनाडु)	(क) 12.5 लिटर समई वाली साइकल नुमा वाल्ब रहित) चीनी मिट्टी की नीचे सतह वाली डब्ल्यू सी और मूलासयों में लगने वाली पलश की टंकियां— IS : 774-1971 (न) 15 लिटर समई वाली (चीनी मिट्टी) की स्वचल पलश की टंकियां— IS : 2326-1970	
63. सी एम/एल-2100 30-9-1969	1-4-1974	30-9-1974	ओ पी ओबराय एण्ड कम्पनी, कालेज रोड, पठानकोट (पंजाब)	चाय की पेटियों के लिए प्लाईवुड की पट्टियां— IS : 10-1970	
64. सी एम/एल-2154 28-11-1969	1-3-1974	28-2-1975	मुद्रेशन टिम्बर ट्रेडिंग कम्पनी बंगू रोड, डाकघर पठानकोट	चाय की पेटियों के लिए प्लाईवुड की पट्टियां— IS : 10-1970	
65. सी एम/एल-2174 12-12-1969	16-12-1973	15-12-1974	परबत एण्ड कम्पनी, 34, बी शिमला रोड कलकत्ता-6	चाय की पेटियों के लिए धातु के फिटिंग IS : 10-1970	
66. सी एम/एल-2183 31-12-1969	1-3-1974	31-8-1974	विक्टर केबल्स कारपोरेशन 185, जी डी रोड, साहिबाबाद (उ० प्र.)	ताप नम्य रोधित क्रुसह केबल— पी वी सी रोधित और पी वी सी खोल वाले, इकट्टरी कोर और चपटे दुहरी कोर एलुमिनियम चालकों वाले— 250/440 और 650/1100 वो० ग्रेड— IS : 3035 (भाग 1)-1965	

1	2	3	4	5	6
67. सी एम/एल-2219 22-1-1970	1-2-1974	31-1-1975	वि नेशनल इंडस्ट्रियल्स, पश्चिमी चोला- कुडी डाकघर, जिला त्रिचूर (केरल)	चाय की पेटियों के लिए पट्टियां— IS : 10—1970	
68. सी एम/एल-2224 28-1-1970	1-2-1974	30-4-1974	पायोनियर बुड प्राइकटस डाकघर मार- घरिटा (असम)	चाय की पेटियों के लिए प्लाईवुड के तख्ते— IS : 10—1970	
69. सी एम/एल-2248 10-2-1970	16-2-1974	15-2-1975	असम कंडकटर्स एण्ड ट्यूब लि०, डाकघर बामुनी मैदान, गोहाटी-21 (असम)	पूर्ण एलुमिनियम चालक और इस्पात की कोर वाले एलुमिनियम चालक— IS : 398—1961	
70. सी एम/एल-2250 10-2-1970	16-2-1974	15-2-1975	दि गवर्नमेंट प्रिंसीपल इस्ट्रूमेन्ट्स फैक्टरी ऐशबाग रोड, लखनऊ (उ० प्र०)	अनुमानित प्रकार के पापी के मीटर टाइप ए शुष्क डायल केवल 15 ममी साइज के— IS : 779—1968	
71. सी एम/एल-2261 25-2-1970	1-2-1974	31-8-1974	वि टैटरी एण्ड फुटबियर कारपोरेशन ग्राफ इंडिया लि०, 13/400, सिबिल लार्स कामपुर	खनिकों के लिए चमड़े के बचाव बूट और जूते— IS : 1989—1967	
72. सी एम/एल-2273 6-3-1970	1-3-1974	28-2-1975	त्रिवेणी टैसियूस लि०, त्रिवेणी डाकघर, दुर्गली	कार्बन कागज के आधार कागज— IS : 3413—1966	
73. सी एम/एल-2274 10-3-1970	16-3-1974	15-3-1975	नारायणसिंह संत सिंह (लैमा शिवीजन) 29, कंजूर गांव भांडुप-बम्बई-78	(क) स्वचल गाड़ियों की बतियां—12 बो, 21 वाट; मध्यम दकहरी फिलामेंट; और (ख) स्वचल गाड़ियों की बतियां, 24 बो; 42/36 वाट; सामने की बत्ती; (संदर्भ संख्या पो : 24) (ग) स्वचल गाड़ियों की बतियां, 12 बो; 24/36 वाट; सामने की बत्ती (संदर्भ संख्या एच/12/2 और 12/3)— IS : 1606—1966	
74. सी एम/एल-2277 16-3-1970	1-3-1974	31-8-1974	जयपाल उद्योग 34-35 हरल इंडस्ट्रियल इस्टेट, लोनी, जिला मेरठ (उ० प्र०)	एन्क्रिप्ट पायसनीय तेज द्रव— IS : 1310—1958	
75. सी एम/एल-2297 31-3-1970	1-4-1974	31-3-1975	ट्रोपिकल एग्रोसिस्टम्स (प्रा) लि०, 520/2 बी बनग्राम रोड, बम्बलूर मद्रास	बी एच सी धूलन पाउडर— IS : 561—1962	
76. सी एम/एल-2298 31-3-1970	1-4-1974	31-3-1975	"	डी डी टी धूलन पाउडर— IS : 564—1961	
77. सी एम/एल-2386 10-8-1970	1-3-1974	28-2-1975	पम्पासर डिस्टिलरी इंडिया शुगर एण्ड रिफाइनरीज लि०, होसपेट, बेलारी जिला (कर्नाटक)	परिशोधित स्पिरिट— IS : 1832—1961	
78. सी एम/एल-2392 19-8-1970	1-4-1974	31-3-1975	ट्रोपिकल एग्रोसिस्टम्स (प्रा) लि०, 520/2 बी बनग्राम रोड, बम्बलूर मद्रास	पायसनीय तेज द्रव— IS : 1310—1958	
79. सी एम/एल-2396 31-8-1970	1-3-1974	28-2-1975	एक्सेल इंडस्ट्रीज लि०, 18-87, स्वामी विश्वकानन्द रोड, जोगेश्वरी, बम्बई-60	मालाधियोन तकनीकी— IS : 1832—1961	
80. सी एम/एल-2505 11-1-1971	16-1-1974	15-1-1975	शाह मेडिकल एण्ड सर्जिकल कं० लि०, 311, सरदार पटेल रोड, बम्बई-4	पारे के रक्त आपमानी— IS : 3390—1965	
81. सी एम/एल-2540 12-2-1971	16-2-1974	15-2-1975	के टी रोलिंग मिल्स प्रा० लि०, दावलापुर रोड, बम्बर नाथ मध्य रेलवे, जिला थाना (महाराष्ट्र)	संरचना इस्पात (माधारण क्रिम)— IS : 1977—1969	

1	2	3	4	5	6
82. सी एम/एल-2555 19-2-1971	1-1-1974	31-12-1974	नार्थबक जूट कं० लि०, चार्टर्ड बैंक बिल्डिंग, कलकत्ता-1	गलीचे के पीछे लगाने का पटसन कपड़ा— IS : 4900—1969	
83. सी एम/एल-2572 26-2-1971	16-3-1974	15-3-1975	न्यू इंडिया इंडस्ट्रीज लि०, जबलपुर रोड, बगौदा-5	सूती करघों में प्रयुक्त सूती हील्ड— IS : 1739—1968	
84. सी एम/एल-2575 3-3-1971	16-3-1974	15-3-1975	पी राकेश इलेक्ट्रिकल वर्क्स, 10/61 इंडस्ट्रियल एरिया कीर्तिनगर, नई दिल्ली	(क) पी वी सी रोधित खोल वाले केबल, इकहरी कोर एलुमिनियम चालक, 250/440 वी० ग्रेड और 650/1100 वी० ग्रेड के, (ख) पी वी सी रोधित बिना खोल वाले केबल, इकहरी कोर एलुमिनियम चालक, 250/440 वी० ग्रेड और 650/1100 वी० ग्रेड के— IS : 694 (भाग 2)—1964	
85. सी एम/एल-2578 9-3-1971	16-2-1974	15-3-1975	मोदी केबल इंडस्ट्रीज सी 2 ए, ग्रेड संख्या 1 (सी आई डी सी) उधव इंडस्ट्रियल एरिया, अहमदाबाद (गुजरात)	निम्न प्रकार के पीवी सी रोधित केबल— (1) इकहरी कोर, खोल वाले बिना खोल वाले, 250/440 वी० ग्रेड एलुमिनि- यम या तांबे के चालकों वाले— (2) दुहरी कोर, चपटे पी वी सी खोल वाले, 250/440 वोल्ट ग्रेड एलुमिनियम चालकों वाले और (3) चार कोर पी वी सी खोल वाले 250/440 वोल्ट और 650/1100 वोल्ट ग्रेड एलुमिनियम चालकों वाले— IS : 694 (भाग 1 और 2)—1964	
86. सी एम/एल-2591 15-3-1971	16-3-1974	15-3-1975	वाले जूट कंपनी लि० (मिग संख्या 2) 15 इंडिया ऐक्सचेंज प्लेस, कलकत्ता-1	(क) बी-ट्रिबल पटसन बोरे— IS : 2566—1965 और (ख) बी-ट्रिबल कपड़ा— IS : 3667—1966	
87. सी एम/एल-2599 17-3-1971	16-3-1974	15-3-1975	बी ए एस मेटल वर्क्स, XI/10168 लकड़ मंडी, मोतयाखान, नई दिल्ली	अंतर क्लोजर्स (द्विनियंत्रित) केबल 2 साइज— IS : 3564—1970	
88. सी एम/एल-2614 29-3-1971	1-4-1974	31-8-1975	दि मेट्रूर केमिकल एण्ड इंडस्ट्रियल कार- पोरेशन लि०, मेट्रूर बॉके-3 (तमिल- नाडु)	कार्बन टेढ़ाकलोराइड (शुद्ध ग्रेड) IS : 718—1970	
89. सी एम/एल-2622 29-3-1971	1-4-1974	31-3-1975	एल्फा डायनमिक प्राइवेट्स प्रा० लि०, रोड संख्या 14, पलाट संख्या 5 और 6, उधना अखोद नगर, उधना जिला, सूरत (गुजरात)	(क) तीन फेजी प्रेरणा मोटर 0.75 किवा (1 हापा) 'ए' श्रेणी के इंसुलेशन लगी— IS : 325—1980 (ख) इकहरी फेज छोटी एसी बिजली की मोटर 0.75 किवा (1 हापा) 'ए' श्रेणी के इंसुलेशन लगी— IS—994—1964	
90. सी एम/एल-2659 3-8-1971	1-4-1974	31-3-1975	एनोसियटेड इस्ट्रुमेंट मैन्यू० (इ) प्रा० लि०, 35, नजफगढ़ रोड, नई दिल्ली-15	केबल 2, 3, 4, 5 और 6 साइज की बहाव प्यालियां— IS : 3944—1966	

(1)	(2)	(3)	(4)	(5)	(6)
91. सी एम/एल-2679 17-5-1971	16-3-1974	15-3-1975	मोदी केबल इंडस्ट्रीज सी ए (2)ए, शीड संख्या 1 (जी आई डी सी) उधव इंडस्ट्रियल एरिया, अहमदाबाद (गुजरात)	ताप नम्य रोहित क्रुसह केबल ; (1) पी बी सी रोहित और पी बी सी खोल वाले, 2504/40 बो और 650/1100 बो ग्रेड एलुमिनियम जालकों वाले— (2) पोलीइथाइलीन रोहित और पोलीइथाइलीन खोल वाले 250/440 बो-ग्रेड एलुमिनियम जालकों वाले— IS : 3030 (भाग 3)-1965	
92. सी एम/एल-2680 15-5-1971	16-3-1974	15-3-1975	मोदी केबल इंडस्ट्रीज सी 2 ए शीड संख्या 1 (जी आई डी सी) उधव इंडस्ट्रियल एरिया, अहमदाबाद (गुजरात)	पोलीइथाइलीन रोहित और पी बी सी खोल वाले केबल 250/440 बोस्ट ग्रेड एलुमिनियम जालकों वाले— IS : 1596-1970	
93. सी एम/एल-2724 29-7-1971	16-2-1974	15-2-1975	क्लाइमेक्स प्लास्टिक उद्योग 25/1/2 मलकार पाडालेन बुरो सिबतल्ला मेन रोड, कलकत्ता-31	अल्व बन्स वाले पोलीइथाइलीन पाइप दाब रेटिंग 6 क्रिया ब/से ² तक के— IS : 3075-1968	
94. सी एम/एल-2739 16-8-1971	16-2-1974	15-2-1975	केमिकलम एण्ड प्लास्टिक्स (इंडिया) लि०, रमननगर, मेट्टूर बांध-3 सलेम जिला (तमिलनाडु)	पानी की सप्लाई के लिए अनन्य पी बी सी पाइप— (क) 160 मिमी साइज और 2.5 कि०ग्रा०/से ² रेटिंग तक के (ख) 160 मिमी साइज और 4 कि०ग्रा०/से ² रेटिंग तक के और (ग) 160 मिमी साइज और 6 कि० ग्रा०/से ² रेटिंग तक और (घ) 110 मिमी साइज और 10 कि०ग्रा०/से ² रेटिंग तक के— IS : 4985-1968	
95. सी एम/एल-2811 18-11-1971	1-3-1974	28-2-1975	सेंट्रल डिस्टिलरी एण्ड मिकल वर्क्स, मेरठ छावनी (उ० प्र०)	रम-क IS : 3811-1966	
96. सी एम/एल-2849 21-12-1971	1-1-1974	31-12-1974	रायसाहिब जूलोराम ग्यामला (क) 105, नस्कर, पाडा रोड, बसूरी, हावड़ा	संरचना हस्तात (मानक किस्म)— IS : 226-1969	
97. सीएम/एल-2850 21-12-1971	1-1-1974	31-12-1974	„	संरचना हस्तात (साधारण किस्म)— IS : 1977-1969	
98. सी एम/एल-2869 14-1-1972	1-12-1973	30-11-1974	वि न्यू सेंट्रल जूट मिसलि० (लोथियन) 11, कलाइव रोड, कलकत्ता-1	गलोजे के पीछे लगाने का पटसन कपड़ा— IS : 4900-1966	
99. सी एम/एल-2876 15-1-1972	16-1-1974	15-1-1974	नेशनल ट्रेडिंग कारपोरेशन 1, बबेन्द्र मलिक स्ट्रीट कलकत्ता-12	चाय की पेटियों के लिए धातु के फिटिंग— IS : 10-1970	
100. सीएम/एल-2894 31-1-1972	1-12-1973	30-11-1974	टीटागढ़ जूट फैक्टरी क० लि०, (मिल संख्या 2) 3 लाइव रोड, कलकत्ता-1	दुहरे ताने के घाटे के बोरे— IS : 3984-1967	
101. सी एम/एल-2895 2-2-1972	1-2-1974		इंडस्ट्रियल इंजीनियरिंग वर्क्स, 16, सरदार प्रतापसिंह इंडस्ट्रियल इस्टेट, ज० गल मंगल रोड, मांझुप, बम्बई-78	कंक्रिट प्रबलन के लिए ठंडी मरोड़ी विहृत हस्तात की सरिया— IS : 1786-1965	
102. सी एम/एल-2896 3-2-1972	16-2-1974	15-2-1975	रायल फीसी स्वीटमीट सैलून मिनर्वा इंडस्ट्रियल इस्टेट, पहली मंजिल, बंदर रोड, सेवरी बम्बई-15	बम्बई-हलवा— IS : 2650-1964	

(1)	(2)	(3)	(4)	(5)	(6)
103. सीएम/एल-2900 9-2-1972	16-2-1974	15-2-1975	श्रीरा इंस्टीट्यूट प्रा० लि०, नरोदा (पश्चिम) ग्रहमदावाद	घरेलू प्रेशर कुकर— IS : 2347-1968	
104. सीएम/एल-2906 4-2-1972	16-2-1974	15-2-1975	किलोस्कर प्रायल इंजिन लि०, एल्फाटन स्टोन रोड, कोडकी घुला-3	निम्न प्रकार के डीजल इंजिन :—	
				क्रम सं०	किबा सं०
				चक्कर प्रति मिनट	टाइप मार्क
				1. 2.20(3 हापा)	1500 केवी 1
				2. 3.67(5 हापा)	1500 केवी 1
				3. 3.67(5 हापा)	1500 सीए 1
				4. 3.67(5 हापा)	2500 डीवी 1
				5. 4.41(6 हापा)	1500 टीवी 1
				6. 4.41(6 हापा)	1800 एवी 1 किला-स्कर
				7. 4.41(6 हापा)	1800 जीवी 1
				8. 5.51(7 हापा)	1500 टीवी 1 लक्की
				9. 5.88(8 हापा)	1800 एवी 1
				10. 7.35(10 हापा)	1500 दवी 2
				11. 7.35(10 हापा)	1500 सीए 2
				12. 3.67(5 हापा)	1500 एलएवी 1
				IS : 1601-1960	
105. सीएम/एल-2907 4-2-1972	16-2-1974	15-2-1975	कुमार इंजीनियरिंग लि०, सतारा रोड, (दक्षिण सेंट्रल रेलवे) (महाराष्ट्र)	निम्नलिखित प्रकार की रेटिंग के डीजल इंजिन :—	
				क्रम सं०	किबा सं०
				चक्कर प्रति मिनट	टाइप मार्क
				1. 2.6(3.5 हापा)	1500 सीवी-1 प्रार 3.5
				2. 3.4(4.5 हापा)	1750 सीवी-1 प्रार 4.5
				3. 3.75(5.0 हापा)	150 एसवी-सी-5
				4. 3.75(5.0 हापा)	1500 सीवी-प्रार-5' खेडी प्रकार के इंजन
				5. 4.1(5.5 हापा)	2000 सीयूवी
				6. 4.5(6.0 हापा)	2200 सीवी-बी-6
				7. 4.9(6.5 हापा)	1800 सीवी-सी-7.5
				8. 5.25(7.0 हापा)	200 एसवी-सी-7
				9. 3.75(5.0 हापा)	700 प्रारसीए
				10. 4.5(6.0 हापा)	725 एससी-6 डीजल इंजन
				11. 6.0(8.0 हापा)	750 सीप्रार-8
				12. 7.5(10.0 हापा)	750 सीप्रार-10
				IS : 1601-1960	

(1)	(2)	(3)	(4)	(5)	(6)
106. सीएम/एल-2909 14-2-1972	16-2-1974	15-8-1974	वांके बिहारी लाल एण्ड सन स्टेशन रोड, बारसादमन जिला उन्नाव (उ० प्र०)	12.5 लिटर समई वाली (नीचे से चौड़ी और साइकल नुमा) उच्च तल वाली टैंकों लोहे की फ्लश की टंकियां — IS : 774-1971	
107. सीएम/एल-2910 15-2-1972	16-2-1974	15-2-1975	दि टाटा आयरन एण्ड स्टील क० लि०, टाटा—स्टाकयार्ड, निकट बिछा विहार, रेलवे स्टेशन (मध्य रेलवे) बम्बई	कंक्रीट प्रबलन के लिये ठंडी मरोड़ी विवृत इस्पात की सरिया— IS : 1786-1966	
108. सीएम/एल-2914 16-2-1972	16-2-1974	15-2-1975	उपाध्याय बालवस मैन्यू० प्रा० लि०, पी- 280, बनारस, रोड, हावरा-5	जलकल कार्यों के लिये स्लूम बाल्व श्रेणी 1 और श्रेणी 250 मिमी से 300 मिमी तक साइज के — IS : 780-1969 जलकल कार्यों के लिये स्लूम, बाल्व श्रेणी 1 और 600 मिमी साइज तक के— IS : 2906-1969	
109. सीएम/एल-2038 24-2-1972	1-3-1974	28-2-1975	वेस्ट इंडिया स्टील कम्पनी लि०, विस्को मेनर, चैन्नैन्यायूर करोक (केरल)	कंक्रीट प्रबलन के लिये ठंडी मरोड़ी विवृत इस्पात की सरिया— IS : 1786-1969	
110. सीएम/एल-2944 28-2-1972	16-3-1974	31-3-1975	ट्रापिकल ग्रेडोमिस्टम प्रा० लि०, 530/2 बी, बनग्राम रोड, अतिपेट, मद्रास-58	मालाधियोन पायसनीय तेज ब्र— IS : 2567-1963	
111. सीएम/एल-2955 9-3-1972	16-3-1974	15-3-1975	जयंती टिम्बर इंडस्ट्रीज, मङ्गलूर रोड, यमुनानगर, जिला अम्बाला (हरियाणा)	चाय की पेटियों के लिये प्लाईवुड की पट्टियां— IS : 10-1970	
112. सीएम/एल-2966 10-3-1972	16-3-1974	15-3-1975	पूलिंग एण्ड लिफ्टिंग मशीन्स प्रा० लि०, मेरठ रोड, गाजियाबाद (उ० प्र०)	निम्नलिखित रेटिंग की यूनिवर्सल गियर रहित हस्त चालित पूरी और उठाने की मशीन— (क) 1.6 टन लिफ्टिंग क्षमता तक और 2.6 टन पुलिंग क्षमता तक— (ख) 3.2 टन लिफ्टिंग क्षमता तक और 5.2 टन पुलिंग क्षमता तक— IS : 5604-1970	
113. सीएम/एल-2967 10-3-1972	16-3-1974	15-3-1975	नट स्टील इक्विपमेंट (प्रा) लि०, पुलिस ट्रेनिंग स्कूल के सामने जी डी अम्बेकर मार्ग (नई गांव रोड) दादर-बम्बई-14	(क) अस्पताल में उपयोग के लिये स्ट्रेलाइजर IS : 3829-1966 (ख) उच्चगति के माप चालित स्ट्रेलाइजर— IS : 4510-1968	
114. सीएम/एल-2971 10-3-1972	16-3-1974	15-3-1975	लुधियाना स्टील रोलिंग मिल्स, जी टी रोड, लुधियाना (पंजाब)	संरचना इस्पात (मानक किस्म) — IS : 226-1969	
115. सीएम/एल-2972 10-3-1972	16-3-1974	15-3-1975	„	संरचना इस्पात (साधारण किस्म)— IS : 1977-1969	
116. सीएम/एल-2975 14-3-1972	16-3-1974	15-3-1975	मल्वेक्स केबल कम्पनी प्रा० लि०, माफी— बिहार रोड गवई-बम्बई-72 ए एम	निम्नलिखित प्रकार के पी की सी रोधित केबल— (1) इकहरी कोर, बिना खोल वाले 650/ 1100 वोल्ट ग्रेड तांबे के चालकों वाले या— (2) इकहरी, कोर, बिना खोल 250/ 440 वोल्ट ग्रेड एलुमिनियम चालकों वाले;	

(1)	(2)	(3)	(4)	(5)	(6)
					(3) भार कोर पी बी सी खोल वाले 650/1100 बॉ० ग्रेड तांबे के चालकों वाले— IS : 694 (भाग 1 और 2)—1964
117. सी एम/एल-2990 24-3-1972	16-3-1974	15-3-1975	सल्वेक्स केबल कम्पनी प्रा० लि०, राप्ती— बिहार रोड पबई—बम्बई-27-ए एस	1100 बोल्ड तक कार्यकारी बोल्डता के लिये पी बी सी रोधित (भारी ड्यूटी) बिजली के केबल— IS : 1554 (भाग 1)—1964	
118. सी एम/एल-2987 28-3-1972	1-4-1974	31-3-1975	गारबारे प्लास्टिक, प्रा० लि०, वेस्टर्न एक्सप्रेस हाईवे, बिले पार्क (पूर्व) बम्बई-57 (ए एस)	बिजली लगाने के लिये सख्त अधात्विक नालियां— 16 मिमी, 19 मिमी 25 मिमी, 32 मिमी, 38 मिमी, 51 मिमी और 63.5 मिमी साइज की— IS : 2509-1963	
119. सी एम/एल-3165 22-9-1972	16-3-1974	19-9-1974	पटेल टिन मैनु० कम्पनी, निकट चकु- दिया महादेव रश्मिल रोड, अहमदा- बाद-23	18 लिटर समाई वाले वर्गाकार टिन— IS : 916-1966	
120. सी एम/एल-3220 14-11-1972	16-11-1973	15-5-1974	शंकरा मशीन टूल प्रा० लि०, 27ए, माईन इंडस्ट्रियल इस्टेट बहावुरगढ़, जिला रोहतास (हरियाणा)	केवल 12.5 लिटर समाई की नीचे से चौड़ी डबल्यू सी और मुवालयों में लगने वाली ढलवां लोहे की पानी की टंकियां— IS : 774-1971	
121. सी एम/एल-3268 3-1-1973	1-1-1974	31-12-1974	आठो मोबाइल इंडस्ट्रियल कारपोरेशन, मोहन मिल्स कम्पाउंड कोलकोट रोड, थाना (महाराष्ट्र)	जस्ता-कैलोराइड— IS : 701-1966	
122. सी एम/एल-3273 5-3-1973	16-1-1974	15-1-1975	वि शामनगर जूट फैक्टरी कम्पनी लिमि- टेड, 3 कलाइव रो, कलकत्ता-1	दुहरे ताने के आटे के बोरे— IS : 3984-1967	
123. सी एम/एल-3292 8-1-1973	16-1-1974	15-1-1975	वि विक्टोरिया जूट कम्पनी लि०, 3 कला- इव रोड, कलकत्ता-1	दुहरे ताने के आटे के बोरे— IS : 3984-1967	
124. सी एम/एल-3307 29-1-1973	1-2-1974	31-1-1975	नेशनल इलेक्ट्रो मेकेनिकल क० डेवर भाई रोड, भक्तिनगर, राजकोट-2 (गुज- रात)	इकहरी फेज छोटी एसी और यूनिक्सल बिजली की मोटरों के कैपेसिटर स्टार्टर 0.37 किवा (0.5 हॉपा) ए श्रेणी के इंसुलेशन लगी] IS : 996-1964	
125. सी एम/एल-3308 29-1-1973	1-2-1974	31-1-1975	कल्याण इंडस्ट्रियल कारपोरेशन कुर्गस्थान डाकघर कटिहार जिला पूर्णिया (बिहार)	सामान्य इंजीनियरी कार्यों के लिये मृदु इस्पात के तार— IS : 280-1972	
126. सी एम/एल-3312 30-1-1973	1-3-1974	28-2-1975	इत्यास ट्रेडर्स डाकघर तल्लातूम कालीकट 3 (केरल)	चाय की पेटियों के लिये धातु के फिटिंग— IS : 10-1970	
127. सी एम/एल-3325 6-2-1973	16-2-1974	15-2-1975	श्रम बंगाल प्लाईवुड कम्पनी, 11-एम, केनाल मार्कलर रोड, उल्टाबागा, कल- कत्ता-4	चाय की पेटियों के लिये प्लाईवुड के तक्ते— IS : 10-1970	
128. सी एम/एल-3330 13-1-1973	16-2-1974	15-8-1974	सेंटर केबल्स कारपोरेशन माडल बस्ती इंडस्ट्रियल एरिया नई दिल्ली-5	ताप नम्य रोधन क्रूमह केबल :— पी बी सी रोधित और पी बी सी खोल वाले एलुमिनियम और तांबे के चालकों वाले 250/440 और 650/1100 बोल्डता ग्रेड के— IS : 3035 (भाग 1)—1965	

(1)	(2)	(3)	(4)	(5)	(6)
129. सी एम/एल-3335 22-2-1973	1-3-1974	28-2-1975	वि मैसूर लैम्प वर्क्स लि०, थ्रोल्ड तुम्कूर रोड, यशवंतपुर माहंस इंस्टीट्यूट डाक- घर बंगलौर-12	सामान्य रोशनी के लिये नानीदार प्रति दीपक लैम्प — (क) 20 वाट, 6500० के; (ख) 40 वाट, 6500० के IS : 2418-1964	
130. सी एम/एल-3342 23-2-1973	1-3-1974	28-2-1975	एन सी चक्रवर्ती फेब्रिकेटर्स प्रा० लि०, 69/2 चेता रोड, कलकत्ता-27	आय की पेटियों के लिये धातु के फिटिंग— IS : 10-1970	
131. सी एम/एल-3343 23-2-1973	1-3-1974	28-2-1975	इंडस्ट्रियल केबल्स (इं) लि०, इंडस्ट्रियल एरिया राजपुर (पंजाब)	पी वी सी रोधित और पी वी सी खोल वाले केबल, 600/1100 वोल्ट के एलु- मिनियम चापक— IS : 694(भाग 2)-1964	
132. सी एम/एल-3345 27-2-1973	1-3-1974	28-2-1975	हिन्द एंटर प्राइजेज 17/93 रामनारायण बाजार, नवाब उल्ला कम्पाउंड कानपुर	जूतों की टो के लिये इस्पात की बन्धन टोपियां— IS : 5852-1970	
133. सी एम/एल-3346 28-2-1973	16-3-1974	15-3-1975	टंटेक्स निटवियर फैक्टरी बल्लाम 1 रोड, तन्जावूर-5	सादी बुनाई की सूती बनियाने— IS : 4964-1968	
134. सी एम/एल-3349 2-3-1973	1-3-1974	28-2-1975	एस के डी वेल पैक इंडस्ट्रीज, किलोस्कर मनाय गांव, सिहापुरमल कायल डाक- घर जी एस टी रोड, चिंगलेपुर जिला (तमिलनाडू)	पशुओं के लिये मिश्रित आहार— IS : 2052-1968	
135. सी एम/एल-3356 7-3-1973	16-3-1974	15-3-1475	दि केल्बिन जूट कं० लि०, 3 नेताजी सुभाष रोड, कलकत्ता -1	(क) ए-ट्रिथल पटसन बोरे— IS : 1943-1964 (ख) बी-ट्रिथल बोरे— IS : 2566-1969	
136. सी एम/एल-3357 7-3-1973	16-3-1974	15-3-1975	दि डाटा धायरन एण्ड स्टील एण्ड कम्पनी, टिस्को स्टाकवाइंड बैय्याप्पा हली, बंगलौर	कंक्रीट प्रबलन के लिये ठंडी मरोड़ी विकृत इस्पात की सरिया— IS : 1786-1966	

[सं० सी० एम० डी०/13:12]

ए० के गुप्ता, उप-महानिदेशक

S.O. 465.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution, hereby, notifies that one hundred and thirtysix licences, particulars of which are given in the following Schedule, have been renewed during the month of March 1974 :—

SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity From To		Name & Address of the Licensee	Article/Process covered by the Licences and the relevant IS : Designation
(1)	(2)	(3)	(4)	(5)	(6)
1.	CM/L-50 20-1-1958	1-2-1974	31-1-1975	East India Plywood Co. Limited, 2, Netaji Subhas Road, Calcutta.	Tea-chest plywood panels— IS : 10—1970
2.	CM/L-51 20-1-1958	1-2-1974	31-1-1975	Jeypore Timber and Vencer Mills Private Limited, Dibrugarh, Distt. Lakhimpur (Upper Assam)	Tea-chest plywood panels— IS : 10—1970

3. CM/L-59 20-1-1958	1-2-1974	31-1-1975	Assam-Bengal Veneer Industries Private Limited, 9 Clive Row, Calcutta-1.	Tea-chest plywood panels— IS : 10—1970
4. CM/L-78 24-4-1958	1-2-1974	31-1-1975	Crossley and Tower Private Ltd., 7A, Lower Circular Road, Calcutta-17.	Tea-chest plywood panels— IS : 10—1970
5. CM/L-80 24-4-1958	1-3-1974	28-2-1975	Das and Company, 32, Chaulpatty Road, Calcutta-10.	Tea-chest plywood panels— IS : 10—1970
6. CM/L-82 24-4-1958	1-2-1974	30-4-1974	Dhubri Plywood Factory, Dhubri (Assam)	Tea-chest plywood panels— IS : 10—1970
7. CM/L-86 24-4-1958	1-2-1974	31-1-1975	The Surma Match and Industries Pvt. Ltd., 67B, Netaji Subhas Road, Calcutta-1.	Tea-chest plywood panels— IS : 10—1970
8. CM/L-105 30-10-1958	16-2-1974	15-2-1975	Sylvan Plywood Mills, Kottayam (Kerala).	Tea-chest Plywood panels— IS : 10—1970
9. CM/L-120 20-3-1959	1-1-1974	31-12-1974	Himalayan Plywood Industries Private Limited, Tinsukia (Assam).	Tea-chest plywood panels— IS : 10—1970
10. CM/L-135 15-7-1959	1-2-1974	31-1-1975	Sarda Plywood Industries (P) Ltd., Jeypore Road, P.O. Jeypore, (Assam).	Tea-chest plywood panels— IS : 10—1970
11. CM/L-149 25-9-1959	1-1-1974	31-12-1974	Enco Plywood & Saw Mill Industries, Siliguri, P.O. Siliguri, Distt. Darjeeling (West Bengal).	Tea-chest plywood panels— IS : 10—1970
12. CM/L-208 29-7-1960	16-2-1974	15-2-1975	Bengal Chemical and Pharmaceutical Works Ltd., 6, Ganesh Chander Avenue, Calcutta.	Napthalene— S : 539—1965
13. CM/L-224 16-9-1960	1-1-1974	31-12-1974	Swaraj Plywood Works, Kottayam, Kerala.	Tea-chest plywood panels— IS : 10—1970
14. CM/L-278 27-2-1961	1-3-1974	28-2-1975	Aluminium Cables & Conductors (U.P.) Pvt. Ltd., 47, Hide Road, Extension, Calcutta-27.	AAC & ACSR Conductors— IS : 398—1961
15. CM/L-327 31-7-1961	1-2-1974	31-1-1975	India Plywood Company, 33 S.K. Dev Road, Pathipookar (Dum Dum) Calcutta-48.	Tea-chest plywood panels— IS : 10—1970
16. CM/L-450 30-8-1962	16-3-1974	15-3-1975	Coimbatore Premier Corporation, Patel Road, Coimbatore-9.	Small ac and universal motors with Class 'A' insulation— IS : 996—1964
17. CM/L-451 30-8-1962	16-3-1974	15-3-1975	Coimbatore Premier Corpn. Pvt. Ltd., Patel Road, Coimbatore-9.	Three phas induction motors upto 7.5kW. (10 HP) only with class 'A' insulation— IS : 325—1970
18. CM/L-496 9-1-1963	16-3-1974	15-9-1974	Sarvjit Electric Works, Rurka Road, Goraya, N. Rly., Distt. Jullundur.	Normal duty composite units of air break switches and fuses; 15 amp, 250 volts with MEM type fuse bases and carriers— IS : 4064—1967
19. CM/L-515 15-3-1963	1-4-1974	31-3-1975	A.M. Rehmani 1863, Kalupur, Panchapatty, Ahmedabad-1.	Dye-based fountain pen ink— IS : 1221—1971
20. CM/L-525 28-3-1963	1-2-1974	31-1-1975	Weights & Measures Syndicate, 76/2, Ichapur Road, Howrah.	(a) Single-phase AC capacitor start electric motors from 0.12 KW (1'6 HP) to 0.75 KW (1 HP) with class 'A' insulation—IS : 996—1964 (b) Small three-phase inductors motors of 0.37 KW (½ HP) to 1.5 KW (2 HP) with class 'A' insulation— IS : 325—1970
21. CM/L-546 5-6-1963	1-3-1974	30-4-1974	Varat Timber Assam Private Limited, Makum Road, Tinsukia (Assam)	Tea-chest plywood panels— IS : 10—1970
22. CM/L-663 1-5-1964	1-3-1974	28-2-1975	Industrial Cables (India) Ltd., Industrial Area, Rajpura (Punjab).	Paper insulated lead sheathed cabled with aluminium conductor for electricity supply upto and including 33 kV— IS : 692—1965
23. CM/L-747 28-7-1964	16-2-1974	15-2-1975	Radio & Electricals Mfg. Co. Ltd., Mysore Road, Bangalore-26.	Water metres (domestic type), dry-dial type, 15 mm, 20 mm and 25 mm sizes— IS : 779—1968

(1)	(2)	(3)	(4)	(5)	(6)
24. CM/L-866 28-11-1964	1-1-1974	31-12-1974	The Nort-I Brook Jute Co. Ltd., Chartered Bank Building, Calcutta-1.	Jute sackings and sacking cloth -- IS : 1943—1964 IS : 2874—1964 IS : 2875—1964 IS : 2566—1965 IS : 3794—1966 IS : 3667—1966 IS : 3668—1966 IS : 3750—1966 IS : 3751—1966	
25. CM/L-875 28-11-1964	1-12-1973	30-11-1974	Angus Co. Ltd., 3, Clive Row, Calcutta-1.	Indian hessian -- IS : 2818 (Part II) --1971	
26. CM/L-876 28-11-1964	1-12-1973	30-11-1974	Angus Co. Ltd., 3, Clive Row, Calcutta-1.	Jute sackings and sacking cloth -- IS : 1943—1964 IS : 2874—1964 IS : 2875—1964 IS : 2566—1965 IS : 3794—1966 IS : 3667—1966 IS : 3668—1966 IS : 3750—1966 IS : 3751—1966	
27. CM/L-879 28-11-1964	1-12-1973	30-11-1974	Titaghur Jute Factory Co. Ltd., (Mill No. 2), 3 Clive Row, Calcutta-1.	Hessian bags -- IS : 2818—1971 & IS : 3790—1966	
28. CM/L-880 28-11-1964	1-12-1973	30-11-1974	Titaghur Jute Factory Co. Ltd., (Mill No. 2), 3 Clive Row, Calcutta.	Sackings (Group I) IS : 1943-1964 IS : 2574-1964 IS : 2875-1964 IS : 2566-1965 IS : 3794-1966 IS : 3667-1966 IS : 3668-1966 IS : 3750-1966 IS : 3751-1966	
29. CM/L-941 28-11-1964	1-12-1973	30-11-1974	New Central Jute Mills Co. Ltd., (Albion Mills), 11, Clive Road, Calcutta-1.	Hessian— IS : 2818 (Part II)—1971 and Hessian bags IS : 3790-1966	
30. CM/L-942 28-11-1964	1-12-1973	30-11-1974	Do.	Sacking (Group I)— IS : 1943-1964 IS : 2874-1964 IS : 2875-1964 IS : 2566-1965 IS : 3794-1966 IS : 3667-1966 IS : 3668-1966 IS : 3750-1966 IS : 3751-1966	
31. CM/L-943 28-11-1964	1-12-1973	30-11-1974	New Central Jute Mills Co. Ltd., (Lothian Mills), Budge Budge, 24 Parganas (W.B.)	Hessian— IS : 2818-1971 (Pt. II) & Hessian bags -- IS : 3790-1966	
32. CM/L-949 28-11-1964	1-12-1973	30-11-1974	Shri Hanuman Jute Mills 36, Chowring- hee Road, Calcutta-16.	(a) Indian hessian IS : 2818 (Part II)--1971 and (b) Hessian bags— IS : 3790-1966	
33. CM/L-950 28-11-1964	1-12-1973	30-11-1974	Do.	Jute sackings and sacking cloth IS : 1943-1964 IS : 2874-1964 IS : 2875-1964 IS : 2566-1965 IS : 3794-1966 IS : 3667-1966 IS : 3668-1966 IS : 3750-1966 IS : 3751-1966	
34. CM/L-989 31-12-1964	1-2-1974	31-1-1975	Special Steels Limited, Dattapara Road, Borivli (East)/Bombay-92.	Plain hard-drawn steel wire for prestressed concrete : (a) Cold-drawn stress relieved wire-- IS : 1785 (Part I) --1966 (b) As-drawn wire— IS : 1785 (Part II)—1967	
35. CM/L-998 27-1-1965	16-2-1974	15-2-1975	M.L. Dey & Co., 28 B.T. Road, Cossi- pore, Calcutta-2.	Steel drums IS : 2552-1970	
36. CM/L-1007 8-2-1965	16-2-1974	15-2-1975	B.R. Herman & Mohatta (India) Pvt. Ltd., Ulhasnagar, Kalyan, Bombay.	Structural steel (standard quality)— IS : 226-1969	

(1)	(2)	(3)	(4)	(5)	(6)
37. CM/L-1008 8-2-1965	16-2-1974	15-2-1975	B. R. Herman & Mohatta (India) Pvt. Ltd., Ulhasnagar, Kalyan, Bombay.	Structural steel (ordinary quality) -- IS : 1977-1969	
38. CM/L-1078 31-5-1965	16-3-1974	15-3-1975	Shri Hanuman Industries, 65/A, G.T. Road, Tiluah, Howrah.	Cast iron flushing cisterns, high level, bell type, 10 litres and 12.5 litres capacities. IS : 774-1971	
39. CM/L-1123 12-10-1965	1-1-1974	31-12-1974	General Engineering & Electric Works, 9 Dinoo Lane, Howrah.	Three-phase induction motors, 0.37 kW (1/2 hp) to 1.5 kW (2 hp) only, with class 'A' insulation. IS : 325-1970	
40. CM/L-1184 17-12-1965	1-3-1974	28-2-1975	Texmo Industries, G.N. Mills, P.O. Coimbatore-11.	Three-phase induction motors upto and including 15 kW (20 hp) with class 'A' insulation IS : 325-1970	
41. CM/L-1225 11-3-1966	16-3-1974	15-3-1975	J.J.H. Industries Pvt. Ltd., 9 Transport Depot Road, (Hide Road Extension), Calcutta-27.	AAC & ACSR conductors IS : 398-1961	
42. CM/L-1335 27-9-1966	1-3-1974	31-8-1974	Electrical Manufacturing Co. Ltd., 136 Jessore Road, Calcutta-55.	(a) Fittings for aluminium & steel-cored aluminium conductors for overhead power lines-- IS : 2121-1962 (b) Insulator fittings for power lines-- IS : 2486 (Pt. I)- 1971	
43. CM/L-1510 8-9-1967	16-3-74	15-3-1975	Associated Wires & Conductors Co. Pvt. Ltd., Tanda Road, Jullundur City.	Hard-drawn standard aluminium and steel cored aluminium conductors for overhead power transmission purposes IS : 398-1961	
44. CM/L-1605 5-1-1968	16-3-1974	15-3-1975	Makum Tea-chest Fittings Manufacturing Co., P.O. Makum Junction, Makum, Digboi (Upper Assam).	Tea-chest metal fittings. IS : 10-1970	
45. CM/L-1627 24-1-1968	1-2-1974	31-1-1975	Premier Timber and Plywood Products Nagarakata, Distt. Jalpaiguri (West Bengal).	Tea-chest plywood panels. IS : 10-1970	
46. CM/L-1628 25-1-1968	1-2-1974	31-7-1974	Rashtriya Metal Industries Ltd., Andheri-Kurla Road, J.B. Nagar, Bombay-59 AS	Copper sheet and strip for the manufacture of utensils and for the general purposes grade 2 IS : 1550-1967	
47. CM/L-1638 16-2-1968	16-2-1974	15-2-1975	Hindustan Conductors Pvt. Ltd., Opp. Rly. 'D' Cabin, Chhani Road, Baroda-2.	AAC & ACSR conductors IS : 398-1961	
48. CM/L-1641 22-2-1968	1-3-1974	28-2-1975	Mansingka Industries Pvt. Ltd., Panchora, District Jalgaon, (MS)	18-Litre square tins IS : 916-1966	
49. CM/L-1650 8-3-1968	16-3-1974	15-3-1975	The Indian Aluminium Cables Ltd. 7/1 Mile Stone, G.T. Road, Ghazialbad (U.P.)	Hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes IS : 398-1961	
50. CM/L-1686 30-4-1968	16-2-1974	15-2-1975	Palsons Industries, Sultanpur Road, Kapurthala (Pb.)	Door closers (hydraulically-regulated), sizes 2 and 3 only IS : 3564-1970	
51. CM/L-1733 8-7-1968	16-1-1974	15-1-1975	Sun Industries, 93, Jangalpur Road, Dum Dum, Near Airport Gate No. 3, Birati, Calcutta-51.	Tea-chest plywood panels IS : 10-1970	
52. CM/L-1756 29-7-1968	1-2-1974	31-7-1974	Raja Mechanical Engineering Co., 194 Muneshwara Block, Palace Gattahalli, Bangalore-3.	All types/sizes of steel windows as given in Fig. 2B IS : 1038-1968	
53. CM/L-1823 31-10-1968	16-1-1974	15-1-1975	The Hindustan Wood Industries Valiamkulam East P.O. (Via Tiruvalla), Alleppey Distt. (Kerala).	Tea-chest plywood panels IS : 10-1970	
54. CM/L-1889 9-1-1969	16-1-1974	15-1-1975	Hind Plywood Industries, 2 Gurudass Dutta Garden Lane, Calcutta-700004	Tea-chest plywood panels IS : 10-1970	
55. CM/L-1905 29-1-1969	1-2-1974	31-1-1975	Consul Machinery, 36, Hirday Krishna Banerjee Lane, Howrah.	Door closers (hydraulically regulated), size 2-- IS : 3564-1970	
56. CM/L-1914 7-2-1969	16-2-1974	15-8-1974	General Engineering Company Mettupalayam Road, Coimbatore-11 (Tamil Nadu)	Three-phase induction motors, 2.2 kW (3 hp), 3.7 kW (5 hp) and 5.5 kW (7.5 hp) with class 'A' insulation IS : 325-1970	
57. CM/L-1921 18-2-1969	1-3-1974	28-2-1975	Industrial Cables (I) Ltd., Industrial Area, Rajpura (Punjab).	(a) PVC (heavy duty) electric cables for working voltages upto and including 1100 volts and (b) PVC (heavy duty) electric cables for working voltages upto and including 3.3 kV IS : 1554 (Part I)-1964 and IS : 1554 (Part II)-1970	

(1)	(2)	(3)	(4)	(5)	(6)
58. CM/L-1932 10-3-1969	16-3-1974	15-3-1975	N.D. Windsor & Co., 6-A, Saharanpur Road, Dehra Dun (U.P.)	Clinical thermometers IS : 3055-1965	
59. CM/L-1959 30-4-1969	1-2-1974	31-1-1975	Assam Timber Treating Works, P.O. Margherita, Distt. Lakhimpur (Assam).	Tea-chest plywood panels IS : 10-1970	
60. CM/L-2007 7-7-1969	16-2-1974	15-2-1975	K.T. Rolling Mills Pvt. Ltd., Ballapur Road, Ambernath, Central Railway Distt. Thana (Maharashtra).	Structural steel (standard quality) IS : 226-1969	
61. CM/L-2016 9-7-1969	1-1-1974	31-12-1974	International Industries 10, Bombay Timber Market, Signal Hill Avenue, Reay Road, Bombay.	Horizontal cylindrical high speed steam sterilizers, pressure type IS : 4510-1968	
62. CM/L-2017 10-7-1969	1-1-1974	31-12-1974	E.I.D. Parrry Ltd., Ranipet, North Arcot Distt. (Tamil Nadu).	(a) Flushing cisterns for water closets and urinals (valveless siphonic type) vitreous china, low level, 12.5 litres capacity IS : 774-1971 (b) Automatic flushing cisterns upto and including 15 litres capacity (vitreous china)— IS : 2326-1970	
63. CM/L-2100 30-9-1969	1-4-1974	30-9-1974	O.P. Oberoi & Co, College Road, Pathankot (Punjab).	Plywood tea-chest battens IS : 10-1970	
64. CM/L-2154 28-11-1969	1-3-1974	28-2-1975	Sudershan Timber Trading Co. Dhangu Road, P.O. Pathankot	Plywood tea-chest battens IS : 10-1970	
65. CM/L-2174 12-12-1969	16-12-1973	15-12-1974	Pravat & Company, 34 F, Simla Road, Calcutta-6.	Tea-chest metal fittings IS : 10-1970	
66. CM/L-2183 31-12-1969	1-3-1974	31-8-1974	Victor Cables Corp., 185, G.T. Road, Sahibabad (M.P.)	Thermoplastic insulated weather proof cables : PVC insulated and PVC sheathed, single-core and flat twin-core, aluminium conductor, 250/440 and 650/1100 volts grades IS : 3035 (Part I) -1965	
67. CM/L-2219 22-1-1970	1-2-1974	31-1-1975	The National Industrials, West Chalakudi Post, District Trichur (Kerala)	Tea-chest battens IS : 10-1970	
68. CM/L-2224 28-1-1970	1-2-1974	30-4-1974	Pioneer Wood Products, P.O. Margherita (Assam)	Tea-chest plywood panels IS : 10-1970	
69. CM/L-2248 10-2-1970	16-2-1974	15-2-1975	Assam Conductors & Tubes Ltd., P.O. Bamunimaidan, Gauhati-21, (Assam)	AAC & ACSR conductors IS : 398-1961	
70. CM/L-2250 10-2-1970	16-2-1974	15-2-1975	The Govt. Precision Instruments Factory, Aishbagh Road, Lucknow (U.P.)	Water meters inferential, type 'A', Dry Dial, 15 mm Size only IS : 779-1968	
71. CM/L-2261 25-2-1970	1-3-1974	31-8-1974	The Tannery and Footwear Corp. of India Ltd., 13/400, Civil Lines, Kanpur	Miner's safety leather boots and shoes IS : 1989-1967	
72. CM/L-2273 6-3-1970	1-3-1974	28-2-1975	Tribeni Tissues Ltd., Tribeni P.O., Hooghly District	Base paper for carbon paper IS : 3413-1966	
73. CM/L-2274 10-3-1970	16-3-1974	15-3-1975	Narain Singh Sant Singh (Lamp Division) 29, Kanjur Village, Bhandup, Bombay-78.	(a) Automobile lamps, 12 V; 21 W; medium, single filament; and (b) Automobile lamps, 24 V; 42/36W; headlight (Ref. No. H 24); and (c) Automobile lamps, 12 V; 42/36 W; headlight (Ref. No. H 12/2 & H12/3) IS : 1606—1966	
74. CM/L-2277 16-3-1970	1-3-1974	31-8-1974	Jaipal Udyog, 34-35, Rural Industrial Estate, Loni, Distt. Meerut (UP).	Endrin emulsifiable concentrates IS : 1310—1968	
75. CM/L-2297 31-3-1970	1-4-1974	31-3-1975	Tropical Agrosystems (P) Ltd., 520/2 B Vanagaram Road, Ambattur, Madras.	BHC DP IS : 561—1962	
76. CM/L-2298 31-3-1970	1-4-1974	31-3-1975	Tropical Agrosystems (P) Ltd., 520/2 B Vanagaram Road, Ambattur, Madras.	DDT DP IS : 564—1961	
77. CM/L-2386 10-8-1970	1-3-1974	28-2-1975	Pampasar Distillery, India Sugars & Refineries Ltd., Hospet, Bellary Distt. (Karnataka).	Rectified spirit IS : 323—1959	
78. CM/L-2392 19-8-1970	1-4-1974	31-3-1975	Tropical Agrosystems (P) Ltd, 520/2 B Vanagaram Road, Ambattur, Madras.	DDT DP Endrin EC IS : 1310—1958	
79. CM/L-2396 31-8-1970	1-3-1974	28-2-1975	Excel Industries Ltd., 184-87, Swami Vivekanand Rd., Jogeshwari, Bombay-60.	Malathion technical IS : 1832—1961	
80. CM/L-2505 11-1-1971	16-1-1974	15-1-1975	Shah Medical & Surgical Co. Ltd., 311, Sardar Patel Rd., Bombay-4.	Sphygmomanometers mercurial IS : 3390—1965	

(1)	(2)	(3)	(4)	(5)	(6)
81. CM/L-2540 12-2-1971	16-2-1974	15-2-1975	K.T. Rolling Mills Private Limited, Badlapur Road, Ambernath, Central Railway, Distt Thana (Maharashtra).	Structural steel (ordinary quality) IS : 1977—1969	
82. CM/L-2555 19-2-1971	1-1-1974	31-12-1974	Northbrook Jute Co. Ltd., Chartered Bank Building, Calcutta-1.	Jute Carpet backing fabric IS : 4900—1969	
83. CM/L-2572 26-2-1971	16-3-1974	15-3-1975	New India Industries Ltd., Jabalpur Road, Baroda-5.	Cotton healds for use in cotton looms IS : 1739—1968	
84. CM/L-2575 3-3-1971	16-3-1974	15-3-1975	P. Rakesh Electrical Works, 10/61, Industrial Area, Kirti Nagar, New Delhi.	(a) PVC insulated sheathed cables, single Core aluminium conductor, 250/440 volts grade and 650/1100 volts grade, (b) PVC insulated unsheathed cables, single core, aluminium conductor, 250/440 volts grade and 650/1100 volts grade IS : 694 (Part II)—1964	
85. CM/L-2578 9-3-1971	16-3-1974	15-3-1975	Mody Cable Industries, C 2A Shed No. 1 (GIDC), Odhav Industrial Area, Ahmedabad (Gujarat).	PVC insulated cables of the following types :— (i) Single core, sheathed unsheathed, 250/440 volts and 650/1100 volts grade with aluminium or copper conductors; (ii) Twin core, flat, PVC sheathed, 250/440 volts grade with aluminium conductors; and (iii) Four core, PVC sheathed, 250/440 volts and 650/1100 volts grade with aluminium conductors IS : 694 (Parts I & II)—1964	
86. CM/L-2591 15-3-1971	16-3-1974	15-3-1975	Bally Jute Company Ltd., (Mill No. 2) 15 India Exchange Place, Calcutta-1.	(a) B-twill jute bags IS : 2566—1965 and (b) B-twill cloth IS : 3667—1966	
87. CM/L-2599 17-3-1971	16-3-1974	15-3-1975	B.A.S. Metal Works, XV/10168, Lakkar Mandi, Motia Khan, New Delhi.	Door closers (hydraulically regulated). Size 2 only. IS : 3564—1970	
88. CM/L-2614 29-3-1971	1-4-1974	31-3-1975	The Mettur Chemical and Industrial Corporation Ltd., Mettur Dam-3 (Tamil Nadu).	Carbon tetrachloride (Pure grade) IS : 718—1970	
89. CM/L-2622 29-3-1971	1-4-1974	31-3-1975	Alpha Dynamic Products Pvt. Ltd., Road No. 14, Plot No. 5 & 6, Udyognagar, Udhna, Distt. Udhna Surat (Gujarat).	(a) Three-phase induction motors upto 0.75 kW (1 HP) with class 'A' insulation IS : 325—1970 and (b) Single-phase small AC electric motors upto 0.75 kW (1 hp) with class 'A' insulation IS : 996—1964	
90. CM/L-2639 31-3-1971	1-4-1974	31-3-1975	Associated Instrument Manufacturers (I) Pvt. Ltd., 35, Najafgarh Road, New Delhi-15.	Flow-cups, sizes 2, 3, 4, 5 & 6 only IS : 3944—1966	
91. CM/L-2679 17-5-1971	16-3-1974	15-3-1975	Mody Cable Industries, C 2A Shed No. 1 (GIDC) Odhav Industrial Area, Ahmedabad (Gujarat).	Thermoplastic insulated weatherproof cables : (i) PVC insulated and PVC sheathed, 250/440 volts and 650/1100 volts grade with aluminium conductors IS : 3035 (Part I)—1965 (ii) Polyethelene insulated and polyethylene sheathed, 250/440 volts grade with aluminium conductors IS : 3035 (Part III)—1967	
92. CM/L-2680 15-5-1971	16-3-1974	15-3-1975	Mody Cable Industries, C 2A Shed No. 1 (GIDC) Odhav Industrial Area, Ahmedabad (Gujarat).	Polyethelene insulated and PVC sheathed cables, 250/440 volts grade with aluminium conductors. IS : 1596—1970	
93. CM/L-2724 29-7-1971	16-2-1974	15-2-1975	Climax Plastic Udyog, 25/1/2, Malakar Para Lane, Buro Shibtolla Main Road, Calcutta-31.	Low density polyethelene pipes, pressure ratings upto 6 kgf./cm ² IS : 3076—1968	
94. CM/L-2739 16-8-1971	16-2-1974	15-2-1975	Chemicals and Plastics (India) Ltd., Raman Nagar, Mittur Dam-3, Salem Distt. (Tamil Nadu).	Unplasticised PVC pipes for potable water supplies :— (a) Upto and including 160 mm size and of rating 2.5 kgf/cm ² (b) Upto and including 160 mm size and of rating 4 kgf/cm ² (c) Upto and including 160 mm size and of rating 6 kgf/cm ² ; and (d) Upto and including 110 mm size and of rating 10 kgf/cm ² IS : 4985—1968	

(1)	(2)	(3)	(4)	(5)	(6)
95. CM/L-2811 18-11-1971	1-3-1974	28-2-1975	Central Distillery & Chemical Works, Meerut Cantt. (U.P.)	Rum— IS : 3811—1966	
96. CM/L-2849 21-12-1971	1-1-1974	31-12-1974	R.S. Juliram Shamlal (Cal), 105 Naskar Para Road, Ghusuri, Howrah.	Structural steel (standard quality) IS : 226—1969	
97. CM/L-2850 21-12-1971	1-1-1974	31-12-1974	R.S. Juliram Shamlal (Cal), 105 Naskar Para Road, Ghusuri, Howrah.	Structural steel (ordinary quality) IS : 1977—1969	
98. CM/L-2869 14-1-1972	1-12-1973	30-11-1974	The New Central Jute Mills Ltd., (Lohian) 11 Clive Row, Calcutta-1.	Jute carpet backing fabric IS : 4900—1969	
99. CM/L-2876 15-1-1972	16-1-1974	15-1-1975	National Trading Corporation, 1, Debendra Mullick Street, Calcutta-12.	Tea-chest metal fittings IS : 10—1970	
100. CM/L-2894 31-1-1972	1-12-1973	30-11-1974	Titaghur Jute Factory Co. Ltd., (Mill No. 2), 3 Clive Row, Calcutta-1.	D.W. flour bags IS : 3984—1967	
101. CM/L-2895 2-2-1972	1-2-1974	31-1-1975	Industrial Engineering Works, 16 Sardar Partap Singh Industrial Estate, Jangle Mangle Road, Bhandup, Bombay-78.	Cold twisted deformed steel bars for concrete reinforcement. IS : 1786—1966	
102. CM/L-2896 3-2-1972	16-2-1974	15-2-1975	Royal Fancy Sweet Meat Saloon, Minerva Industrial Estate, Ground Floor, Bunder Road, Sewree, Bombay-15.	Bombay halwa IS : 2650—1964	
103. CM/L-2900 9-2-1972	16-2-1974	15-2-1975	Khira Industries Pvt. Ltd. Naroda (West), Ahmedabad.	Domestic pressure cooker IS : 2347—1966	
104. CM/L-2906 4-2-1972	16-2-1974	15-2-1975	Kirloskar Oil Engines Ltd., Elphin- stone Road, Kirkee, Poona-3.	Diesel engines of the following types S. No. Kw R.P.M. Type Brand 1. 2.20 (3 HP) 1500 KV1 2. 3.67 (5 HP) 1500 AV1 3. 3.67 (5 HP) 1500 CA 1 4. 3.67 (5 HP) 2500 DV 1 5. 4.41 (6 HP) 1500 TA 1 6. 4.41 (6 HP) 1800 AV1 7. 4.41 (6 HP) 1800 GV1 8. 5.15 (7 HP) 1500 TV1 9. 5.88 (8 HP) 1800 SV1 10. 7.35 (10 HP) 1500 AV2 11. 7.35 (10 HP) 1500 CA2 12. 3.67 (5 HP) 1500 LAV1 IS : 1601—1960	Kirloskar Lakaki
105. CM/L-2907 4-2-1972	16-2-1974	15-2-1975	Cooper Engineering Ltd., Satara Road (South Central Railway) (Maharash- tra).	Diesel engines of the following ratings. S. No. Kw R.P.M. Type 1. 2.6 (3.5 HP) 1500 CVR-3.5 2. 3.4 (4.5 HP) 1750 CVR-4.5 3. 3.75 (5.0 HP) 1500 SVC-5 4. 3.75 (5.0 HP) 1800 CVR-5 5. 4.1 (5.5 HP) 2000 CUB 6. 4.5 (6.0 HP) 2200 CVR-6 7. 4.9 (6.5 HP) 1800 SVC-6.5 8. 5.25 (7.0 HP) 2000 SVC-7 9. 3.75 (5.0 HP) 700 RCA 10. 4.5 (6.0 HP) 725 HC-6 11. 6.0 (8.0 HP) 750 CR-8 12. 7.5 (10.0 HP) 750 CR-10 IS : 1601—1960	Vertica engines Horizontal engines
106. CM/L-2909 14-2-1972	16-2-1974	15-8-1974	Bankey Behari Lal & Sons, Station Road, Bangarman, Distt. Unnao (U.P.)	Cast iron flushing cisterns (Bell Type & Siphonic type), high level, 12.5 litres capacity. IS : 774—1971	
107. CM/L-2910 15-2-1972	16-2-1974	15-2-1975	The Tata Iron & Steel Co. Ltd., Tata Stockyard, Near Vidya Vihar Rly. Station (C. Rly.), Bombay.	Cold twisted deformed steel bars for concrete reinforcement— IS : 1786—1966	
108. CM/L-2914 16-2-1972	16-2-1974	15-2-1975	Upadhaya Valves Manufacturers Pvt. Ltd., P-280, Benaras Road, Howrah-5.	Sluice valves for water works purposes, class 1 and class 2 from 50 mm to 300 mm sizes— IS : 780—1969 Sluice valves for water works purposes, class 1 upto and including 600 mm size— IS : 2906—1969	
109. CM/L-2938 24-2-1972	1-3-1974	28-2-1975	West India Steel Company Limited, WISCO MANOR, Cheruvannur, Feroke (Kerala).	Cold twisted deformed steel bars for con- crete reinforcement— IS : 1786—1966	
110. CM/L-2944 28-2-1972	16-3-1974	31-3-1975	Tropical Agrosystems Pvt. Ltd., 530/2B, Venugoram Rd., Athipet, Madras-58.	Malathion EC IS : 2567—1963	
111. CM/L-2955 9-3-1972	16-3-1974	15-3-1975	Jayanti Timber Industries, Saharanpur Road, Yamunanagar, Distt. Amba- la (Haryana).	Plywood tea-chest battens IS : 10—1970	

(1)	(2)	(3)	(4)	(5)	(6)
112. CM/L-2966 10-3-1972	16-3-1974	15-3-1975	Pulling & Lifting Machines (P) Limited, Meerut Road, Ghaziabad (U.P.)	Universal gearless hand-operated pulling & lifting machines of the following ratings :— (a) 1.6 tonnes lifting capacity and 2.6 tonnes pulling capacity, and (b) 3.2 tonnes lifting capacity and 5.2 tonnes pulling capacity. IS : 5604—1970	
113. CM/L-2967 10-3-1972	16-3-1974	15-3-1975	Nat Steel Equipment (P) Ltd., Opp. Police Training School, G.D. Am- bedkar Marg (Naigaum Road), Dadar, Bombay-14.	(a) Sterilizers for hospital use in— IS : 3829—1966 and (b) High speed steam sterilizers IS : 4510—1968	
114. CM/L-2971 10-3-1972	16-3-1974	15-3-1975	Ludhiana Steel Rolling Mills, G.T. Road, Ludhiana (Pb.)	Structural steel (standard quality)— IS : 226—1969	
115. CM/L-2972 10-3-1972	16-3-1974	15-3-1975	Ludhiana Steel Rolling Mills, G.T. Road, Ludhiana (Pb.)	Structural steel (ordinary quality)— IS : 1977—1969	
116. CM/L-2975 14-3-1972	16-3-1974	15-3-1975	Sylvex Cable Company Pvt. Ltd., Saki- Vihar Road, Powai, Bombay-72 AS	PVC insulated cables of the following types : (i) Single core, unsheathed, 650/1100 volts grade with copper conductor; (ii) Single core, unsheathed, 250/440 volts grade with aluminium conductor; and (iii) Four core, PVC sheathed, 650/1100 volts grade with copper conductor IS : 694 (Parts I & II)—1964	
117. CM/L-2990 24-3-1972	16-3-1974	15-3-1975	Sylvex Cable Co. Pvt. Ltd., Saki-Vihar Road, Powai, Bombay-72 AS	PVC insulated (heavy duty) electric cables for working voltages up to and including 1100 volts. IS : 1554 (Part I)—1964	
118. CM/L-2997 28-3-1972	1-4-1974	31-3-1975	Garware Plastics Pvt. Ltd., Western Express Highway, Vile Parle (East) Bombay-57 AS	Rigid non-metallic conduits for electrical installations 16 mm, 19 mm, 25 mm, 32 mm, 38 mm, 51 mm and 63.5 mm sizes— IS : 2509—1963	
119. CM/L-3165 22-9-1972	16-3-1974	15-9-1974	Patel Tin Manufacturing Co. Near Chakudja Mahadev, Rakhial Road, Ahmedabad-23.	18 litre square tins— IS : 916—1966	
120. CM/L-3220 14-11-1972	16-11-1973	15-5-1974	Shankara Machine Tools Pvt. Ltd., 27A Modern Industrial Estate, Ba- hadurgarh, Distt. Rohtak (Haryana).	Cast iron flushing cisterns for water- closets and urinals, bell type, 12.5 litres capacity only— IS : 774—1971	
121. CM/L-3268 3-1-1973	1-1-1974	31-12-1974	Automobile Industrial Corporation, Mohan Mills Compound, Kolseth Road, Thana (M.S.)	Zinc chloride— IS : 701—1966	
122. CM/L-3273 5-1-1973	16-1-1974	15-1-1975	The Samnuggar Jute Factory Co. Ltd., 3 Clive Road, Calcutta-1.	DW floor bags— IS : 3984—1967	
123. CM/L-3292 8-1-1973	16-1-1974	15-1-1975	The Victoria Jute Company Ltd., 3 Clive Road, Calcutta-1.	D.W. floor bags— IS : 3984—1967	
124. CM/L-3307 29-1-1973	1-2-1974	31-1-1975	National Electro-Mechanical Co., Dhebarbhai Road, Bhaktinagar, Rajkot-2 (Gujarat).	Single-phase small ac and universal electric motors, capacitor start 0.37 kW (0.5 hp) with class 'A' insulation— IS : 996—1964	
125. CM/L-3308 29-1-1973	1-2-1974	31-1-1975	Kalyan Industrial Corporation, Dur- gasthan, P.O. Katihar, Distt. Purnea (Bihar).	Mild steel wire for general engineering purposes— IS : 280—1972	
125. CM/L-3312 30-1-1973	1-3-1974	28-2-1975	Ilyas Trders, P.O. Nallalam, Calicut-3 (Kerala).	Tea-chest metal fittings— IS : 10—1970	
127. CM/L-3325 6-2-1973	16-2-1974	15-2-1975	Assam-Bengal Plywood Company, 11/H, Canal Circular Road, Ulta- danga, Calcutta-4.	Tea-chest plywood panels— IS : 16—1970	
128. CM/L-3330 13-2-1973	16-2-1974	15-8-1974	Mentor Cables Corporation, Model Basti, Industrial Area, New Delhi-5.	Thermoplastic insulated weatherproof cables : PVC insulated and PVC sheath- ed, aluminium & copper conductors 250/440 and 650/1100 voltage grades— IS : 3035 (Part I)—1965	
129. CM/L-3335 22-2-1973	1-3-1974	28-2-1975	The Mysore Lamp Works Ltd., Old Tumkur Road, Yeswantpur, Science Institute P.O. Bangalore-12.	Tubular fluorescent lamps for general lighting services— (a) 20 Watts, 6500° K; and (b) 40 Watts, 6500° K IS : 2418-1964	
130. CM/L-3342 23-2-1973	1-3-1974	28-2-1975	N.C. Chakraborty Fabricators Pvt. Ltd., 69/2, Chetna Road, Calcutta-27	Tea-chest metal fittings— IS : 10—1970	
131. CM/L-3343 23-2-1973	1-3-1974	23-2-1975	Industrial Cables (I) Ltd., Industrial Area, Rajpura (Punjab).	PVC insulated and PVC sheathed cables 650/1100 volts, aluminium conductor IS : 694 (Part II)—1964	

(1)	(2)	(3)	(4)	(5)	(6)
132	CM/L-3345 27-2-1973	1-3-1974	28-2-1975	Hind Enterprises, 17/93, Ramnarayan Bazar, Nawabdullahs Compound, Kanpur.	Protective steel toe caps for footwear IS : 5852—1970
133.	CM/L-3346 28-2-1973	16-3-1974	15-3-1975	Tantex Knitwear Factory, Vallam 1 Road, Thanjavur-5.	Plain knitted cotton vests— IS : 4964—1968
134.	CM/L-3349 2-3-1973	1-3-1974	28-2-1975	S.K.D. Well Pacq Industries, Kilksar-sanai Village, Singapuramul Koil P.O., G.S.T. Road, Chingleput Distt., (Tamil Nadu).	Compounded feed for cattle— IS : 2052—1968
135.	CM/L-3356 7-3-1973	16-3-1974	15-3-1975	The Kelvin Jute Co. Ltd., 3 Netaji Subhas Road, Calcutta-1.	(a) A-twill jute bags— IS : 1943—1964 (b) B-twill bags IS : 2566—1969
136.	CM/L-3357 7-3-1973	16-3-1974	15-3-1975	The Tata Iron & Steel Co. Ltd., TISCO Stockyard, Byappanahalli, Bangalore	Cold twisted deformed steel bars for concrete reinforcement— IS : 1786—1966

[No. CMD/13: 12]
A.K. GUPTA Dy., Dir. Gen.

कृषि और सिंचाई मंत्रालय

(ग्राम विकास विभाग)

नई दिल्ली 3 जनवरी, 1976

क्र० आ० 468.—केन्द्रीय सरकार, कृषि उपज (श्रेणीकरण और चिह्नांकन) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कच्चा मांस (शीतल/हिमायित) श्रेणीकरण और चिह्नांकन नियम, 1976 बनाना चाहती है। जैसा कि उक्त धारा में प्रवेक्षित है, उन नियमों का निम्नलिखित प्रारूप उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जा रहा है जिनके उससे प्रभावित होने की संभावना है। इसके द्वारा सूचना दी जाती है कि उक्त प्रारूप नियमों पर उस तारीख को इस अधिसूचनावाला राजपत्र जनता को उपलब्ध करा दिया जाता है, तीस दिन की अवधि की समाप्ति के पश्चात् विचार किया जाएगा।

इस प्रकार विनिर्दिष्ट अवधि की समाप्ति से पूर्व उक्त प्रारूप की वास्तविकता भी आशेष या सुझाव किसी व्यक्ति से प्राप्त होंगे, केन्द्रीय सरकार उन पर विचार करेगी।

नियमों का प्रारूप

कच्चा मांस (शीतल/हिमायित) श्रेणीकरण और चिह्नांकन नियम 1976.

1. संक्षिप्त/नाम और लागू होना :—(i) इन नियमों का नाम कच्चा मांस (शीतल/हिमायित) श्रेणीकरण और चिह्नांकन नियम, 1976 है

(2) ये भारत में उत्पादित, गो, भेड़ और बकरी से प्राप्त मांस पर लागू होंगे।

2. परिभाषाएं:—इन नियमों में, जब तक कि संदर्भ से अन्यथा प्रवेक्षित न हो,

(i) “कृषि विपणन सलाहकार” से भारत सरकार का कृषि विपणन सलाहकार अभिप्रेत है;

(ii) “पशु” से ऐसा पशु अभिप्रेत है, जो नीचे विनिर्दिष्ट जातियों में से किसी का हो, अर्थात्

(क) गो, (ख) भेड़; (ग) बकरी;

(iii) “बीक” से ऐसे गो का शव अभिप्रेत है जो 12 मास से अधिक आयु का हो और जिसका भार 100 किलोग्राम से अधिक हो;

(iv) “हड्डीरहित मांस” से ऐसा प्रसाधित मांस अभिप्रेत है, जो शिराओं, उपस्थियों, हड्डियों और वियोज्य नसों से रहित हो;

(v) “बछड़ा” से ऐसा प्रमोड़ गो शव अभिप्रेत है जो 4 मास से अधिक का हो और जिसका भार 40 किलोग्राम से अन्यून तथा 100 किलोग्राम से कम हो।

(vi) “पशुशव” से ऐसे पशु का मृत शरीर या उसका कोई भाग, जिसके अन्तर्गत अन्तर्झिया भी हैं, अभिप्रेत है जिसका संविदागत प्रणाली से वध किसी अनुमोदित वधशाला में किया गया हो;

(vii) “शीतल” से यह अभिप्रेत है कि पशुशव/कट/कीमा का आन्तरिक तापमान किसी भी अवस्था में, जिसके अन्तर्गत ढाकों/पतनों पर की अवस्था आती है, 50 सें० से अधिक न हो। पशुशव शीतलगर में इस प्रकार लटकाए जायेंगे कि वे छत, फर्श, और दीवारों से कम से कम 30 सें० मी० की दूरी पर रहें;

(viii) “बंक” से 4 सें० मी० विमा से अधिक का हड्डीरहित मांस अभिप्रेत है;

(ix) “कट” से प्रायातकों की अपेक्षाओं के अनुरूप आकार के प्रसाधित और हड्डीरहित मांस से प्राप्त मांस अभिप्रेत है;

(x) “फिनिश” से बाह्य वसा आवरण और बेहनुहा वसा अभिप्रेत है;

(xi) “हिमायित” से यह अभिप्रेत है कि पशुशव/मांस का आन्तरिक तापमान द्रुत हिमायन से 20° सें० तक पहुँच जाएगा और किसी भी अवस्था में, जिसके अन्तर्गत ढाकों/पतनों पर की अवस्था आती है, 10° सें० से अधिक न होगा। पशुशव/मांस को स्वच्छ रैकों पर छत, फर्श और दीवारों से कम से कम 15 सें० मी० की दूरी पर रखा जाएगा।

(xii) “भ्रदधो” से रीढ़ के मध्य से विभाजीत कर दो बराबर अर्धों में विभक्त किया गया बिदा/कटा हुआ पशुशव, या भाड़ी प्रक्रिया द्वारा या कणोरका से काट कर रीढ़ को हटाया अभिप्रेत है;

(xiii) “निरीक्षण अधिकारी” से कृषि विपणन सलाहकार द्वारा निरीक्षण अधिकारी के रूप में नियुक्त या मान्य किया गया सरकारी पशुचिकित्सक या कोई अन्य अधिकारी अभिप्रेत है;

- (xiv) "जोन" से मांस का वह कुल भार अभिप्रेत है जो दृश्य वर्षों से रहित हो;
- (xv) "टंग" से पुद्गों के सम्मुख का एकल या अभिभक्त भाग अभिप्रेत है;
- (xvi) "मिन्स मांस (कीमा/मिन्स)" से एक समकण वाला संवृणित मांस अभिप्रेत है जो हृक्षीरहित मांस से प्राप्त हो;
- (xvii) "शुद्ध भार" से पशुशव/कट/मिन्स का पैक किए जाने के समय का भार अभिप्रेत है किन्तु उसके अन्तर्गत पैकेज या बर्क का भार नहीं आता है;
- (xviii) "बौयार्ड" से गौ शव के वे कटे पार्श्व अभिप्रेत हैं जो कि 12वीं और 13वीं पसलियों के बीच आधे के आधे काटे गए हों;
- (xix) "अनुसूची" से इन नियमों की अनुसूची अभिप्रेत है;
- (xx) "वध" से पशु का हनन अभिप्रेत है जो कि मानवोचित या कोई अन्य अनुमोदित पद्धति द्वारा किसी अनुज्ञप्त वधशाला में किया गया हो, जहाँ कि पशुओं की मरण-पूर्व और मरणोत्तर परीक्षा की जाती हो;
- (xxi) "वधशाला" से ऐसा भवन, मरिसर या स्थान अभिप्रेत है जो स्थानीय प्राधिकारी द्वारा मानव उपभोग के लिए प्राशयित पशुओं के वध के लिए वधशाला के रूप में अनुज्ञप्त है। वधशाला को कृषि विपणन सलाहकार द्वारा भी उपयुक्त प्रमाणित किया जायेगा और वह एगमार्क के अधीन कच्चे शीतल/हिमायित मांस के श्रेणीकरण के लिए अनुदेशों में विहित मानकों के अनुरूप होगा।

3. श्रेणी अभिधान :—कच्चे मांस (शीतल/हिमायित) की ब्वालिटी उपदर्शित करने के लिए श्रेणी अभिधान वे होंगे जो अनुसूची i से iv के स्तम्भ (1) में दिए गए हैं।

4. विशिष्ट श्रेणी अभिधानों की विशेषताएं :—विभिन्न श्रेणी अभिधानों के विशेष और साधारण लक्षण ये होंगे जो अनुसूची i से iv के स्तम्भ (2) और (3) में दिए गए हैं ;।

5. श्रेणी अभिधान चिन्ह :—श्रेणी अभिधान चिन्ह एक लेबल के रूप में होंगे जिस पर श्रेणी अभिधान विनिर्दिष्ट करने वाली अनुसूची में दी गई डिजाइन होगी।

6. श्रेणीकरण की पद्धति :—कच्चा मांस (शीतल/हिमायित) का श्रेणीकरण केवल प्राधिकृत परिसर में ही और कृषि विपणन सलाहकार द्वारा समय-समय पर जारी किए गए अनुदेशों के अनुसार किया जाएगा। कच्चा मांस (शीतल/हिमायित) का श्रेणीकरण, अभिधान और अन्य विशिष्टियों निरीक्षण अधिकारी द्वारा निरीक्षण किये जाने के पश्चात् उसके द्वारा अंकित की जायेंगी।

7. एगमार्क श्रेणीकरण का प्रमाणपत्र :—एगमार्क श्रेणीकरण का प्रमाणपत्र, पत्रकार की लिखित प्रार्थना पर कृषि विपणन सलाहकार द्वारा या उनके द्वारा इस निमित्त प्राधिकृत किसी अधिकारी द्वारा जारी किया जायेगा।

8. पसिग की पद्धति :—मांस (शीतल/हिमायित) को प्राधिकृत परिसर में यथास्थिति या तो पशुशव, प्राइमल, या प्रभाग कटों, मिन्स के रूप में और कृषि विपणन सलाहकार द्वारा समय-समय पर इस बारे में जारी किए गए अनुदेशों के अनुसार पैक किया जाएगा।

9. अंकन की पद्धति :—(1) श्रेणी अभिधान चिन्ह वाला लेबल प्रत्येक पैकेज पर, कृषि विपणन सलाहकार द्वारा अनुमोदित रीति से दृढ़ता से चिपकाया जायेगा।

(2) श्रेणी अभिधान के अतिरिक्त, निम्नलिखित विशिष्टियां स्पष्ट रूप से उपदर्शित की जायेंगी :—

(क) प्रकार, (ख) श्रेणी, (ग) शुद्ध भार, (घ) सकल भार, (ङ) मांस का आन्तरिक ताप और (च) निरीक्षण अधिकारी के हस्ताक्षर ;

परन्तु कोई प्राधिकृत पैकर अपने प्राइवेट व्यापार चिन्ह की छाप लगा सकेगा या उसे लिख सकेगा, यदि वह व्यापार चिन्ह मांस का वही प्रकार और श्रेणी दर्शाता हो जो कि एगमार्क लेबल द्वारा उपदर्शित है और कृषि विपणन सलाहकार द्वारा पहले से सम्यक् अनुमोदित कर दिया गया हो।

10. प्राधिकरण की विशेष शर्तें :—(1) एक पैक में केवल एक ही प्रकार का मांस पैक किया जायेगा।

(2) सामान्य श्रेणीकरण तथा अंकन नियम, 1937 के नियम 4 में विनिर्दिष्ट शर्तों के अतिरिक्त, इन नियमों के प्रयोजनार्थ जारी किए गये प्रत्येक प्राधिकरण प्रमाणपत्र के लिए निम्नलिखित शर्तें होंगी, अर्थात् :—

(क) मांस, पोत लदान के स्थान और प्राधिकृत परिसर से चारों ओर 50 कि० मी० की दूरी के अन्तर्गत स्थित वधशाला से प्राप्त किया जायेगा ;

(ख) कृषि विपणन सलाहकार द्वारा परिसर में स्वच्छता, कर्मचारी वर्ग और उपस्कर की सफाई, संक्रियात्मक प्रक्रिया, प्रतिव्ययन की पद्धति, परीक्षण, पैकिंग, प्रसाधन के सभी प्रक्रमों पर कच्चे मांस का अंकन और निरीक्षण और उसके अभिनेत्रों के रखने के संबंध में समय-समय पर जारी किए गये सभी अनुदेशों का कड़ाई से अनुपालन किया जायेगा ;

(3) परिसर ऐसा होगा जो कृषि विपणन सलाहकार की राय में, उन पशुशवों के प्रसंस्करण (संसाधन) के लिए उपयुक्त हों जिनके लिए उसे प्राधिकरण प्रमाणपत्र दिया गया है। न्यूनतम स्वच्छता संबंधी और अन्य अपेक्षाएं नीचे दी गई हैं :—

(i) प्राधिकृत परिसर के सभी भाग सदा साफ, पर्याप्त रूप से प्रकाशयुक्त और सबातित रखे जायेंगे और उन्हें नियमित रूप से साफ, रोगाणुनाशित और निर्गन्धीकृत किया जायेगा। कर्ष अभेद्य होगा और उसकी प्रतिदिन रोगाणुनाशकों से धुलाई होगी। यथास्थिति चूने की सफेदी या रंगपुनाई या रंगरोगन वर्ष में कम से कम एक बार किया जायेगा। सभी संरचनाओं के फर्श, दीवारें, भीतरी छत, बिभाजन, दरवाजे और अन्य भाग ऐसी सामग्री, सनिमांण और फिनिश के होंगे कि वे आसानी से और अच्छी तरह से साफ किए जा सकें। दीवारों पर 1.5 मीटर की ऊंचाई तक सफेद काचित पोर्सिमेन टाइल लगी होगी जिससे कि गर्म पानी और रासायनिक रोगाणुनाशकों से उनकी धुलाई हो सके। दीवारों दरवाजों, दरारों और सीखन से मुक्त होंगी।

(ii) दरवाजे मक्खियों से रक्षित होंगे और स्वतः बन्द होने वाले उपकरणयुक्त दोहरे दरवाजे वाले होंगे। सभी खिड़कियां और द्वार मक्खियों से रक्षित होंगे;

(iii) भीतरी छत स्थायी स्वरूप की होगी और कर्ष अभेद्य सोमेंट का टाइलवार या पत्थर का बिना बरारों वाला और फिमलन रहित होना चाहिये ;

(iv) परिसर किसी स्वच्छ स्थान पर स्थित होगा जो कार, पाकिंग या अर्ध-संस्करणियों या रसायनों, उर्वरकों, गमूड़ी, उत्पादों, फलों और सब्जियों या किसी अन्य ऐसी सामग्री का जिससे

कि मांस को कोई बाह्य गन्ध प्रदान की जाने या मांस के प्रतिरूपित किये जाने की संभावना हो, कारबार करने वाले यूनितों से दूर हो।

- (v) परिसर को जाने वाली सड़के पक्की होंगी।
- (vi) परिसर मकड़ी के जालों और मकड़ियों से रहित होगा।
- (vii) परिसर निम्नस्थ क्षेत्र में स्थित नहीं होगा और उसमें कुत्तों, बिल्लियों, कृतकों, कीटों, मकड़ियों, कौबों, चमगादड़ों और गुधों का प्रवेश अप्रतिषिद्ध होगा। उन स्थानों में जहाँ प्रसंस्करण चल रहा हो या कोई पैक किया हुआ उत्पाद रखा हो विषकों या चारे का उपयोग निषिद्ध है।
- (viii) सभी बाड़े, उपभवन, भण्डार और कारखाने को जाने वाले सभी रास्ते सदैव साफ और स्वास्थ्यकर अवस्था में रखे जाएंगे।
- (ix) परिसर इस प्रकार बना होगा और उसे ऐसे रखा जाएगा कि वहाँ स्वास्थ्यकर प्रसंस्करण और प्रसाधन किया जा सके। पशुशव/मांस के प्रसंस्करण और पैकिंग संबंधी सभी संक्रियाएँ पूर्णतः स्वास्थ्यकर अवस्थाओं में और मांस निरीक्षक के पर्यवेक्षण के अधीन की जाएंगी। प्रसंस्करण परिसर का कोई भी भाग कभी भी रहने या सोने के लिए प्रयुक्त नहीं किया जाएगा, जब तक कि यह प्रसंस्करण/प्रसाधन क्षेत्र से एक दीवाल द्वारा पृथक् न किया गया हो।
- (x) प्रभावी जल निकास और नलकारी प्रणाली होगी और सभी नालियाँ और मोरियाँ उचित और स्थायी रूप से बनाई जाएंगी। प्रसंस्करण यूनिट की जल निकास प्रणाली को प्रसंस्करण भवन के भीतर उन नालियों से नहीं जोड़ा जाएगा जिनमें शौचालयों से या पशु बाड़ों से बहिष्प्रवाही पदार्थ आते हों। प्रवेशछिद्र रिसनसह होंगे ताकि श्कावट के कारण अपशिष्ट द्रव्य उत्पन्न न कर सकें।
- (xi) उपस्कर और अनुमोदित प्रसंस्करण क्षेत्र का नियंत्रण के लिए अभिप्रेत मांस से भिन्न किसी भी अन्य पदार्थ के प्रसंस्करण के लिए प्रयोग सक्षम अधिकारी की अनुमति के बिना नहीं किया जाएगा।
- (xii) प्राधिकृत परिसर में पर्याप्त शीतसंग्रहण सुविधाएँ होंगी।
- (xiii) शीतसंग्रहागार समय-समय पर धोया जाएगा, विसंक्रमित किया जाएगा और रक्त तथा मांस के टुकड़ों आदि से मुक्त रखा जाएगा शीतसंग्रहागार, शीतसंग्रहागार आदेश, 1964 के अधीन नियम अपेक्षाओं के अनुषंग होगा।
- (xiv) वे कमरे और कक्ष जिनमें मांस प्रसंस्कृत किया जाता है, धूल से रहित और प्रसाधन कर्षों, शौचालयों, जलरोक कुण्डों, उप-उत्पाद भण्डार और पशु बाड़ों आदि से निकलने वाली गन्ध से रहित होंगे।
- (xv) प्रसंस्करण क्षेत्र में प्रवेश निबंधित होगा और बधशास्ता या उप-उत्पाद अनुभाग में से प्रसंस्करण कर्मचारियों को स्वच्छ क्षेत्र, अर्थात् प्रसंस्करण या पैकिंग क्षेत्र में प्रवेश नहीं करने दिया जाएगा। सुगमता से पहिचाने जाने के लिए, स्वच्छ क्षेत्र के कर्मचारियों की बर्दी बधशास्ता के अन्य क्षेत्रों में काम करने वाले कर्मचारियों से भिन्न होंगी।
- (xvi) उपस्कर इस प्रकार रखे जाएंगे कि उनका स्वच्छता की वास्तवपूर्ण निरीक्षण किया जा सके। पशुशवों के प्रसाधन के लिए प्रयुक्त सभी मेजें और उपस्कर ऐसी सामग्री के बने होंगे जो सुगमता से साफ की जा सकें, निर्जमित की जा सकें, जल से धोए जा सकें तथा रसायन और जंग-प्रतिरोधी हों। कोई भी पात्र या आधान जो जस्तेदार लोहे या लोहे का बना हो, मांस के

भण्डारण के लिए प्रयुक्त नहीं किया जाएगा। जब तांबे या पीतल के पात्र प्रयुक्त किए जाएं तो उन पर बहुत अधिक लकड़ी होनी चाहिए। प्रसंस्करण क्षेत्र में लकड़ी के उपस्करों/संरचनाओं के प्रयोग से बचना चाहिए। जब लकड़ी के संकतन-ब्लाकों और चाकूओं के लकड़ी के हाथों का प्रयोग किया जाए तो उन्हें प्रतिदिन गर्म पानी से धोया जाएगा या भाप से निर्जमित किया जाएगा। लकड़ी के संकतन ब्लाक इतने गजबूत होंगे कि संकतनों की प्रतिस्हन कर सकें और उसके बुरादे से मांस संरूपित नहीं होगा।

- (xvii) प्रसंस्करण क्षेत्र में प्रयुक्त जल स्वच्छ और पीने योग्य होगा और यदि उसकी बाबत यह संदेह हो कि वह ध्रुवास्थप्रद है तो हृषि विपणन सलाहकार द्वारा सम्यक् अनुमोदित किसी प्रयोगशाला की मार्फत इसकी रासायनिक और जीवाणवीय परीक्षा कराई जाएगी और विप्लेखन का खर्च पैकर द्वारा वहन किया जाएगा।

- (xviii) जहाँ कहीं पांच या उससे अधिक महिला या पुरुष कर्मचारी नियोजित किए जाते हैं, वहाँ महिलाओं या पुरुषों के लिए पर्याप्त संख्या में शौचालयों और धावन पात्रों की व्यवस्था की जाएगी, जैसा कि नीचे विनिर्दिष्ट है :—

कर्मचारियों की संख्या	शौचालयों की संख्या	धावनपात्रों की संख्या	स्नानागारों की संख्या
25 से अनधिक	1	1	1
25 से अधिक किन्तु 49 से अनधिक	2	2	2
50 से अधिक किन्तु 100 से अनधिक	3	3	3
100 से अधिक	5	5	5

- (xix) प्रसंस्करण क्षेत्र के सभी प्रवेश द्वारों पर, परिसर में प्रवेश करने वाले व्यक्तियों के लिए प्रतिरोधी फुटपाथ की व्यवस्था की जाएगी।

- (xx) गर्म और ठण्डे पानी के धावनपात्र जिनमें प्रचुर मात्रा में अपक्षालक और हानिरहित प्रतिजर्मी घोल हो और जो पाच-चालित संयोजन टोंटी से युक्त हों, प्रत्येक प्रवेश और निर्गम स्थल पर उपस्थित किए जाएंगे और इस बात की सावधानी बरती जाएगी कि कोई भी इसका प्रयोग किए बिना प्रवेश न करे।

- (xxi) प्रसंस्करण क्षेत्र में थूकना, चर्वण और धूँसपान करना प्रतिषेध है।

- (xxii) सभी प्रसाधन कर्मचारियों को एप्रन, शीर्ष परिधान वस्तुएं और गमबूट प्रदान किए जाएंगे जो ऐसी सामग्री के बने होंगे जो आसानी से साफ और विसंक्रमित की जा सकें। पर्यवेक्षी कर्मचारीयुक्त यह सुनिश्चित करेंगे कि वे वस्तुएं स्वच्छ रहे और कर्मकार साफ, स्वच्छ और सुव्यवस्थित हों।

- (xxiii) घांगूलियों के नाखून और बाल भली प्रकार कतरे हुए होंगे। प्रसंस्करण क्षेत्र में बालों को कंभी करना और माफ करना प्रतिषिद्ध है।

- (xxiv) किसी भी ऐसे व्यक्ति को जिसके हाथों पर कोई खुला घाव हो, प्रसंस्करण क्षेत्र में काम नहीं करने दिया जाएगा। किसी भी व्यक्ति को, जो संक्रामक या सांसारिक रोग से पीड़ित हो, परिसर में प्रवेश नहीं करने दिया जाएगा। सभी कर्मचारियों

की प्रति मास चिकित्सीय परीक्षा किसी रजिस्ट्रीकृत चिकित्सा व्यवसायी द्वारा की जाएगी। ऐसी परीक्षा का किसी रजिस्ट्रीकृत चिकित्सा व्यवसायी द्वारा सम्पत्तः हस्ताक्षरित अभिलेख रखा जाएगा और मांस निरीक्षक द्वारा मांगे जाने पर उसे प्रस्तुत किया जाएगा। सभी कर्मचारियों को समय-समय पर आस्त्र-बर्ग के रोगों के, जैसे यक्ष्मा के टीके और चेचक के टीके लगाये जाएंगे और इनका प्रमाणपत्र मांगे जाने पर निरीक्षण के लिए उपलब्ध किया जाएगा। प्रसंस्करण क्षेत्र में कर्मचारियों की भीड़-भाड़ नहीं होने दी जाएगी और इसके लिए एक दूसरे से पर्याप्त दूरी पर काम के लिए मेजों की व्यवस्था की जाएगी।

(XXV) कर्मकारों की और संयंत्र की सफाई की आवश्यकताओं को पूरा करने के लिए प्रचुर जल (गर्म और ठण्डा) की व्यवस्था की जाएगी। मेजों, पट्टी-आरे और उसके फलक, चाकूओं, आधानों (म्यानों), मांस के भण्डारण के आधानों को अपमार्जक बोलों और गर्म पानी (60° से. से 80° से.) से भली प्रकार धोया जाएगा।

(xxvi) जहाँ आवश्यक हो, वहाँ निष्कासक पंखों की व्यवस्था की जाएगी।

(xxvii) सब प्रसंस्करण क्षेत्र और उपकरणों को प्रत्येक दिन के काम के पहले और उसके बाद साफ और विसंक्रमित किया जाएगा।

(xxviii) फर्श और दीवारों निरन्तर साफ की जाएंगी ताकि मांस आदि के संजयन और अपघटन को रोका जा सके।

(xxix) अस्वाद्य मांसावशिश्ट और उच्छिष्ट मांस को निरन्तर हटाया जाएगा और उनके परिवहन के लिए प्रयुक्त ट्रालियों को इस प्रकार चिह्नित किया जाएगा कि उन्हें अनन्यतः पशुनाश मांस के परिवहन के लिए पूर्व प्रयुक्त की जाने वाली ट्रालियों से भ्रमल पहचाना जा सके।

(XXX) शीतन कक्ष, अतिहिमायित आदि के साफ और स्वच्छीकरण के लिए एक परिनिश्चित समय अनुपूषी अपनाई जाएगी।

अनुसूची I

(नियम 3 और 4 देखिए)

गोशालों से प्राप्त और भारत में उत्पादित कच्चे शीतित/हिमायित गोमांस के, जो वाणिज्यिक रूप में बीफ के नाम से जाने हैं, श्रेणी अभिधान और नवांतिही की परिभाषा।

श्रेणी अभिधान	विशेष लक्षण	साधारण लक्षण
(1)	(2)	(3)
श्रेणी I बरण श्रेणी	प्रसाधित पशुशव के रूप में प्रस्तुत मांस से निम्नलिखित दक्षित होना :— (1) व्यवस्थित विन्यास में बिना किसी अत्यधिक द्रव्य के, (2) दीप्त प्रभासी रूप, (3) मांस पेशियों का शराव हो, लम्बाई की अपेक्षा मोटा हो अर्थात् गर्दन, जांघ और टांगें छोटी हों, (4) सूक्ष्म बदन और स्पर्श से मृदु लगता हो, (5) संसर्पित में दृढ़ता हो, अर्थात् दबाने पर गर्त न बने, (6) न्यूनतम संयोजन तन्तु, (7) बसा की सूक्ष्म धारियों से पूर्णतया, लीन के साथ कुर्मरित हो, (8) पर्याप्त बिपो बसा, (9) सुन्दर रजाशय, (10) चर्बी को शष्क, दृढ़ और पपड़ीदार होना चाहिए, (11) अच्छी फिनिश, अर्थात् ऐसी जो कन्धों तक की गई हो (12) कन्धे की हड्डियां दिखाई नहीं देंगी, (13) आधोपान्त चर्बी की एक पतली सिल्ली होगी, (14) शरीर की एक सी गहराई, शीर्ष पर एकरूपता हो और स्पर्श करने पर अस्थिर न लगे, (15) बेचरबी, संरचना में सुन्दर और दीप्त रक्तितम से धारक रंग हो, (16) हड्डी मज्जा सफेद गुलाबी हो और हड्डियां अनसाधम न हो, (17) मांस निर्यात से परिपूर्ण होगा, (18) रीढ़ की हड्डियां पूर्णतया अस्थीयित न हों, (19) फैशिया रहित हो।	मांस— (1) बंध किए गए स्वस्थ पशुओं से प्राप्त होगा जिनका अनुज्ञप्त परिसर में और विहित प्रतिपात्रों के अनुसार मरणपूत और मरणोत्तर निरीक्षण किया जाएगा, (2) स्वास्थ्यकर वशाओं में तयार किया जाएगा, स्वास्थ्यप्रव हो और अन्यथा मानव उपयोग के लिए उपयुक्त हो, (3) परजीवी प्रसन से मुक्त हो, (4) जोबाणिक और कबकी सश्रियण न हो गया हो, (5) बंध किए जाने के 12 घण्टे के भीतर शीतित/हिमायित कर दिया गया होगा और इसी वशा में बना रहेगा। (6) जोबाणु गणनांक प्रसिद्ध 10 लाख से अधिक नहीं होगा।

(1)	(2)	(3)
	<p>प्राप्तमल या भाग कर्तव्यों के रूप में प्रस्तुत मांस से उपरोक्त लक्षणों के अतिरिक्त भ्रष्ट/प्रणव चौधार्द या इसके कटों से निम्नलिखित दर्शित होगा :—</p>	
	<p>(1) पृष्ठ कण्ठकों के प्रत्येक अर्ध्व प्रोसेस के सिरे पर उपस्थित टिप होंगे,</p> <p>(2) सफेद पसलियां जो पर्याप्त रूप से मोटी पेशियों से ढकी हों,</p> <p>(3) प्रांश स्थित पेशी संरचना में सुन्दर और रंग में रक्षित हो,</p> <p>(4) चंक मोटे होने चाहिए,</p> <p>(5) पृथक्करणीय चर्बी रहित हो और कट बेचरबी होंगे,</p> <p>(6) दारणों, विदारों, चीर्णधारों, प्लेम्मा, विवर्णता, पुर्णच्छ और संरचना एकास्तरों से मुक्त होगा</p> <p>(7) श्रोणि हड्डी बिना पूर्ण अस्थायन के मसुण और स्निग्ध होगी। पुट्टा और उर पेशियां भरी हुई होगी और उनमें अवतलता नहीं होगी,</p> <p>(8) लिक् हड्डियां बहुत कठोर नहीं होंगी, यद्यपि वे पूर्णतया अस्थायित हो सकती हैं,</p> <p>(9) हड्डीरहित कट पूर्णतया हड्डी के टुकड़ों, काष्ठधूस, धातु खण्डों या किसी भी अवांछनीय पदार्थ से रहित होंगे।</p>	
श्रेणी II या अचछी श्रेणी	<p>श्रेणी I के अनुसार, सिवाय इसके कि प्रसाधित पशुशवों में निम्नलिखित किञ्चित् परिवर्तन अनुज्ञात होंगे, अर्थात् :—</p> <p>(1) शीर्ष पर किञ्चित् असमता,</p> <p>(2) एकस्य संरूपण और समता की कमी हो सकती है,</p> <p>(3) पर्याप्त गहुराई दर्शित न करे, किन्तु पतला, एकहुरा और दुर्बल शरीर वाला न होगा,</p> <p>(4) पेशियों की लक्षणपूर्णता में भराव की किञ्चित् कमी,</p> <p>(5) पुट्टे और जंघा में किञ्चित् अवतलता हो,</p> <p>(6) परव चौधार्द किञ्चित् अवतल हो,</p> <p>(7) चंक पतले और चिपटे हों,</p> <p>(8) पूर्णतया अस्थायित कटि कण्ठक हों।</p>	
श्रेणी III या वाणिज्यिक श्रेणी	<p>श्रेणी I और श्रेणी II के अनुसार, सिवाय इसके कि प्रसाधित पशुशवों में निम्नलिखित किञ्चित् परिवर्तन अनुज्ञात होंगे, अर्थात् :—</p> <p>(1) आधोपात चर्बी का अत्यधिक और स्थूल निक्षेपण,</p> <p>(2) छनी और स्थूल पेशियां,</p> <p>(3) आकृति हृन्वदी और अनियमित।</p>	
श्रेणी	<p>क्रेता और नियतिकर्ता के बीच, किन्तु पक्के आदेश पर, हुए करार के अनुसार।</p>	
	<p>“पक्का आदेश” पद से या तो यह अभिप्रेत है कि समस्त भ्रष्ट धन का पहले ही नकद संदाय किया जाना है या उम्मेद किसी अन्य रूप में प्रत्याभूत किया जाना है।</p>	
	<p>अनुसूची II (नियम 3 और 4 देखिए)</p>	
	<p>1 वर्ष तक की आयु के बछड़ों से प्राप्त और भारत में उत्पादित, कच्चे शीतल/हिमायित गौमांस के, जो वाणिज्यिक रूप में बछड़ा मांस/काफ मोट के नाम से ज्ञात है, श्रेणी अभिधान और क्वालिटी की परिभाषा।</p>	
श्रेणी अभिधान	विशेष लक्षण	साधारण लक्षण
(1)	(2)	(3)
श्रेणी I या वरण श्रेणी	<p>प्रसाधित पशुशव से दर्शित होगा :—</p> <p>(1) व्यवस्थित विन्यास, बिना किसी अत्यधिक द्रव्य से,</p> <p>(2) दीप्त प्रभासी रूप,</p>	<p>मांस :—</p> <p>(1) बंध किए गए स्वस्थ पशुओं से प्राप्त होगा जिनका अनुज्ञप्त परिसर में और विहित प्रक्रियाओं के अनुसार मरणपूर्व</p>

(1)	(2)	(3)
	(3) सूक्ष्म वयन और स्पर्श से मुक्त लगता हो,	और मरणोत्तर निरीक्षण किया जाएगा,
	(4) पर्याप्त डिपो बसा,	(2) स्वास्थ्यकर दशाओं में तैयार किया जाएगा, स्वास्थ्यप्रद हो और ग्रन्थिया मानव उपभोग के लिए उपयुक्त हो,
	(5) पर्याप्त मात्रा में कंधों और पंज चौयाई पर पतली परत में बर्बा,	(3) परजीवी वसन से मुक्त हो,
	(6) खर्बों को दृढ़, शुष्क और पपड़ीदार होना चाहिये,	(4) जीवाण्विक और कबूती संक्रियण न हो गया हो,
	(7) शरीर की एक सी गहराई और भीषण पर एकरूपता,	(5) बंध किए जाने के 12 घण्टे के भीतर शीतल/हिमायित कर दिया होगा और इसी दशा में बना रहेगा,
	(8) मांस में निर्यास वसित होगा,	(6) जीवनाक्षम जीवाणु गणनांक प्रति ग्राम 10 लाख से अधिक नहीं होगा।
	(9) हड्डी मज्जा गुलाबी हो,	
	(10) रीढ़ की हड्डी मृदु, गुलाबी, लाल और भूरी होगी।	
	(11) पृथक्करणीय खर्बी रहित होगी,	
	(12) पुट्टा और जंघा पेशियां प्रवतलता दक्षित नहीं करेगी,	
	(13) वारणों, विदारों, चीर्ण धारों, श्लेष्मा, विवर्णता, दुर्गन्ध और संरचना एकांतरों से मुक्त होगा,	
	(14) सामान्य संरूपण स्थूल पुष्ट सहित संवृत और मसृण होगी।	

श्रेणी II या मानक श्रेणी

श्रेणी I के अनुसार, निम्नलिखित परिवर्तनों के सिवाय,
अर्थात् :—

- (1) प्रसाधित पशुशव में कम फिनिश और अधिक हड्डी होगी,
- (2) पशुशव के संरूपण में एकरूपता विद्यमान न हो,
- (3) मितम्बिल और लमटंगा हो,
- (4) कंधे में सबरा हो,
- (5) आकृति में हल्का हो,
- (6) मोटा हो और पतली मासपेशी युक्त हो।

श्रेणी*

नेता और नियतिकर्ता के बीच, किन्तु पक्के आदेश पर,
हुए करार के अनुसार।

“पक्का आदेश” पद से या तो यह अभिप्रेत है कि समस्त क्रय घन का पहले ही तकद संवाय किया जाना है या उसको किसी अन्य रूप में प्रत्याभूत किया जाना है।

अनुसूची III

(नियम 3 और 4 देखिए)

भेड़ और बकरी से प्राप्त और भारत में उत्पादित, कच्चे शीतल/हिमायित भेड़ और बकरी के मांस के, जो वाणिज्यिक रूप में “मटन” के नाम से ज्ञात है, श्रेणी अभिधान और क्वालिटी की परिभाषा।

श्रेणी अभिधान	विशेष लक्षण	साधारण लक्षण
(1)	(2)	(3)
श्रेणी I बरण श्रेणी	प्रसाधित पशुशव निम्नलिखित रूप में होगा :— (1) चौड़ा, गहरा, मसृण, संवृत संरूपण होगा, (2) कंधे स्थूल और सुस्थित हों, गसघेली भरी हुई, विस्तृत और मोटी पीठ और टांगें गोल-मटोल, (3) फिनिश पक्की और समानतः वितरित होगी, (4) पर्याप्त डिपो बसा,	मांस :— (1) बंध किए गए स्वस्थ पशुओं से प्राप्त होगा जिनका अनुकूल परितर में और विहित प्रक्रियाओं के अनुसार मरणपूर्व और मरणोत्तर निरीक्षण किया जाएगा, (2) स्वास्थ्यकर दशाओं में तैयार किया जाएगा, स्वास्थ्यप्रद हो और ग्रन्थिया मानव उपभोग के लिए उपयुक्त हो,

(1)	(2)	(3)
	(5) प्रसाधित रूप में भार 10 कि०घ्रा० से कम नहीं होगा।	(3) परजीवी प्रसून से मुक्त हो,
		(4) जीवाण्विक और कवकी संक्रियण न हो गया हो,
		(5) बघ किए जाने के 12 घण्टे के भीतर प्रीति/हिमायित कर दिया गया होगा और इसी दशा में बना रहेगा,
		(6) जीवनाशम जीवाणु गणनांक प्रति ग्राम 10 लाख से अधिक नहीं होगा।

श्रेणी II या मानक श्रेणी

श्रेणी I के अनुसार निम्नलिखित परिवर्तनों के सिवाय, अर्थात्

- (1) पशुजव जो उपरोक्त लक्षणों में किंचित् अपूर्ण हो,
- (2) समंजनीय चर्बी की कमी हो,
- (3) प्रसाधित पशुजव की पीठ से हड्डियों का सुस्पष्ट उल्लेख दृशित हो,
- (4) सबरे उवध कंठे और बियर पसली हो।

श्रेणी*

जेता और नियतकर्ता के बीच, किन्तु पक्के आवेश पर, हुए करार के अनुसार

“पक्का आवेश” पद से या तो यह अभिप्रेत है कि समस्त क्रमघन का पहले ही संवाय किया जाता है या उसको किसी अन्य रूप में प्रत्याभूत किया जाता है।

अनुसूची IV

(नियम 3 और 4 देखिए)

गौ के प्रसाधित शरीर और भेड़ और बकरी के प्रसाधित शरीरों से प्राप्त कीमाकृत मांस के, जो वाणिज्यिक रूप में कीमा के नाम से जाना है, श्रेणी अधिधान और क्वालिटी की परिभाषा

श्रेणी अधिधान	विशेष लक्षण	साधारण लक्षण
(1)	(2)	(3)
श्रेणी I	मांस जो प्रयुक्त किया जाता है, वह— (1) केवल एक ही प्रकार के श्रेणी I और II क्वालिटी के प्रसाधित पशुजवों से अभिप्राप्त होगा, (2) रक्तघकों, हड्डियों और हड्डी खण्डों, गिरावों, धूकों, बालों आदि से मुक्त होगा, (3) किसी भी बाह्य पदार्थ से रहित होगा। (4) किसी भी प्रकार के अपघटन, विचर्णता, दुर्गन्ध आदि का कोई भी लेख दृशित नहीं करेगा, (5) चर्बी रहित होगा, (6) रंग में बीपत होगा, (7) एक समान मणबाला होगा।	मांस :— (1) बघ किए गए स्वस्थ पशुओं से प्राप्त होगा जिनका अनुज्ञप्त परिवार में और विहित प्रक्रियाओं के अनुसार मरणपूर्व और मरणोत्तर निरीक्षण किया जाएगा, (2) स्वास्थ्यकर दशाओं में तैयार किया जाएगा, स्वास्थ्य-प्रद हो और अन्यथा मानव उपभोग के लिए उपयुक्त हो, (3) परजीवी प्रसून से मुक्त हो, (4) जीवाण्विक और कवकी संक्रियण न हो गया हो, (5) बघ किए जाने के 12 घण्टे के भीतर प्रीति/हिमायित कर दिया गया होगा और इसी दशा में बना रहेगा। (6) जीवाशम जीवाणु गणनांक प्रति ग्राम 10 लाख से अधिक नहीं होगा।

श्रेणी

जेता और नियतकर्ता के बीच, किन्तु पक्के आवेश पर, हुए करार के अनुसार।

“पक्का आवेश” पद से या तो यह अभिप्रेत है कि समस्त क्रम घन का पहले ही तत्काल संवाय किया जाता है या उसको किसी अन्य रूप में प्रत्याभूत किया जाता है।

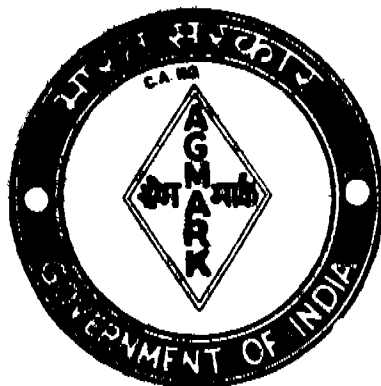
अनुसूची V

(नियम 5 देखिए)

लगाया जाने वाला श्रेणी अधिधान चिन्ह : कच्चा मांस (हिमायित/शीतित) कच्चे मांस (हिमायित/शीतित) के पैकेजों पर लगाया जाने वाला श्रेणी अधिधान चिन्ह निम्नलिखित डिजाइन होगा :-

क्रम संख्या.....

किसम गोमांस पशुसब/भट्टे/बीघाई/कीभा



भारत का मातृचिह्न

श्रेणी
मांस का प्रान्तरिक तापमान.....
जुड़े भार.....
सकल भार.....
पैक करने की तारीख.....
क्रम संख्या.....
(निरीक्षक अधिकारी के हस्ताक्षर)

[सं० 13-3/74-ए०एम०]

घार० ए० ब० ब०, अवर सचिव

MINISTRY OF AGRICULTURE AND IRRIGATION

(Department of Rural Development)

New Delhi, the 3rd January, 1976

S. O. 466.—The following draft of the Raw Meat (Chilled/Frozen) Grading and Marking Rules, 1976, which the Central Government proposes to make, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Making) Act, 1937 (1 of 1937) is hereby published as required by the said section for the information of all person likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration after the expiry of the period of 30 days from the date on which the Official Gazette containing this notification is made available to the public.

Any objection of suggestion which may be received from any person in respect of the said draft before the expiry of the period so specified will be considered by the Central Government.

DRAFT RULES

THE RAW MEAT (CHILLED FROZEN)

GRADING AND MARKING RULES, 1976

1. Short title and application :

- (1) These rules may be called the Raw Meat (Chilled/Frozen) Grading and Marking Rules, 1976.
- (2) They shall apply to meat obtained from Bovine-Ovines and Caprines, produced in India.

2. Definitions, in these rules, unless the context otherwise require.—

- (i) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India;
- (ii) "Animal" means an animal belonging to any of the species specified below, namely :—
(a) Bovines; (b) Ovines; (c) Caprines;
- (iii) "beef" means bovine carcass which is more than 12 months of age and weighing more than 100 kilograms;
- (iv) "boneless meat" means dressed meat which is free from tendons, cartilages, bones and separable nerves;
- (v) "calf" means an immature bovine carcass above 4 months old weighing not less than 40 kilograms and is below 100 kilograms;
- (vi) "carcass" means the dead body or any part thereof including viscera of any animal which has been slaughtered according to the contracted method in an approved slaughter house;
- (vii) "Chilled" means that the internal temperature of carcass/cuts/mince does not exceed 5° C at any stage including that at docks/ports. The carcasses shall be so hung in the cold storage as to at least 30 cms. away from the ceiling, floor and walls;
- (viii) "chunks" means boneless meat of above 4 centimeters dimension;
- (ix) "cuts" means obtained from dressed and boneless meat of size as per the requirements of the importer;

- (x) "finish" means external fat covering and body cavity fat;
- (xi) "Frozen" means that the internal temperature of carcass/meat shall reach -20°C by quick freezing and shall not exceed -10°C at any stage including that at docks/ports. The carcass/meat shall be placed on clean racks at least 15 cms. away from the ceiling, floor and walls.
- (xii) "halves" means sawed/chopped carcass divided into two equal halves by splitting through the centre of the backbone, or removing the backbone by cutting through the transverse process of the vertebrae;
- (xiii) "Inspecting Officer" means an official veterinarian or any other officer appointed or recognized as inspecting officer by the Agricultural Marketing Adviser;
- (xiv) "lean" means the total weight of the meat free from visible fat;
- (xv) "legs" means single or unsplit cut in front of hips;
- (xvi) "minced meat (keema/mince)" means comminuted meat of uniform grains obtained from boneless meat;
- (xvii) "net weight" means weight of the carcass/cuts/mince when packed but does not include weight of the package or ice;
- (xviii) "quarters" means the cut sides of a bovine carcass which have been halved of the half between the 12th and 13th ribs;
- (xix) "Schedule" means a Schedule to these rules;
- (xx) "slaughter" means killing of an animal employing a humane or any other approved method in a licensed slaughter house where the animal is subjected to through ante-mortem and post-mortem examination;
- (xxi) "slaughter House" means the building, premises or place which is licensed as a slaughter house by the local authority for the slaughter of animals intended for human consumption. The slaughter house shall also be certified fit by the Agricultural Marketing Adviser and shall conform to the standards prescribed in the instructions for grading of raw chilled/frozen meat under Agmark.

3. Grade designations.—The grade designations to indicate the quality of raw meat (chilled/frozen) shall be as set out in column (1) of Schedule I to IV.

4. Characteristics of the various grade designations.—The special and general characteristics of the various grade designations shall be as set out against each designation in columns (2) and (3) of Schedules I to IV.

5. Grade designation marks.—The grade designation marks shall consist of a label bearing the design set out in Schedule V specifying the grade designation.

6. Method of grading.—Grading of raw meat chilled/frozen shall be done only at the authorised premises and according to the instructions issued from time to time by the Agricultural Marketing Adviser. The grade designation and other particulars of raw meat (chilled/frozen) shall be marked by the Inspecting Officer after inspection is carried out by him.

7. Certificate of Agmark grading.—A certificate of Agmark grading shall be issued on a written request from the Party by the Agricultural Marketing Adviser or by an officer authorised by him in this behalf.

8. Method of packing.—The meat (chilled/frozen) shall be packed either as carcass, primal or portion cuts, mince or as the case may be at the authorised premises and strictly in accordance with the instructions in this regard issued from time to time by the Agricultural Marketing Adviser.

9. Method of Marking.—

- (1) A grade designation mark label shall be securely affixed to each package in a manner approved by the Agricultural Marketing Adviser.
- (2) In addition to the Grade designation the following particulars shall be clearly indicated, namely :— (a) Type (b) grade (c) net weight (d) gross weight (e) internal temperature of meat and (f) signature of the Inspecting Officer :

Provided that an authorised packer may stamp or write his private trade mark if such trade mark represents the name, type and grade of meat as that indicated by the Agmark label and are duly approved beforehand by the Agricultural Marketing Adviser.

10. Special conditions of authorisation.—

- (1) Meat of one type only shall be packed in one pack.
- (2) In addition to the condition specified in the rule 4 of the General Grading and Marketing Rules, 1937, every Certificate of Authorisation issued for the purpose of these rules shall be governed by the following conditions, namely :
 - (a) The meat shall be obtained from a Slaughter house situated within a radius of 50 kilometres of the place of shipment and the authorised premises;
 - (b) All instructions regarding sanitation in the premises, cleanliness of personnel and equipment, operational procedure, method of sampling, testing, packing, marking and inspection of raw meat at all stages of dressing and maintenance of records thereof issued from time to time by the Agricultural Marketing Adviser shall be strictly observed.
- (3) The premises, shall be such as in the opinion of the Agricultural Marketing Adviser, be fit for processing (dressing) of the carcasses for which the Certificate of Authorisation is granted to him. The minimum sanitary and other requirements are given below :—
 - (i) All the parts of the authorised premises shall always be kept clean, adequately lighted and ventilated and shall be regularly cleaned, disinfected and deodorised. The flooring shall be impervious and washed daily, with disinfectant. Lime washing, colour washing of painting, as the case may be, shall be done at least once a year. The floors Walls ceiling, partitions doors and other parts of all structures shall be of such material, construction and finish that they can be readily and thoroughly cleaned. The walls shall be tiled with white glazed porcelain tiles up to a height of 1.5 meters to enable their washing with hot water and chemical disinfectants. The walls shall be free from cracks, crevices and dampness;
 - (ii) Doors shall be flyproof and be double doored with self closing devices. All the windows and openings shall be flyproof;
 - (iii) The ceiling shall be of permanent nature and the floor shall be impervious, cemented, tiled or laid in stones without crevices and non-slippery;
 - (iv) The premises shall be located in a sanitary place away from car parking or tanneries or the units handling chemicals, fertilizers, marine products, fruits and vegetables, or any other material which is likely to impart extraneous odour to the meat or cross-contaminate meat.
 - (v) The approach roads to the premises shall be metalled.
 - (vi) The premises shall be free from cob-webs and spiders.

- (vii) The premises shall not be located in a low lying area and shall exclude the entry of dogs, cats, rodents, insects, flies, crows bats and vultures. The use of poisons or baits is forbidden in places where processing is carried out or any packed product is stored.
- (viii) All yards, out houses, stores and all approaches to the factory shall always be kept clean and in sanitary condition.
- (ix) The premises shall be so constructed and maintained as to permit hygienic processing dressing. All operations in connection with the processing or packing of carcass/meat shall be carried out under strict hygienic conditions and under the supervision of the Meat Inspector. No portion of the processing area shall ever be used for living or sleeping purposes unless it is separated from the processing/dressing area by a wall.
- (x) There shall be efficient drainage and plumbing system and all the drains and gutters shall be properly and permanently installed. The drainage system of the processing unit shall not be connected within the processing building with the drains receiving the effluent materials from the toilets or animal pens. Manholes shall be leak-proof to avoid back flow of the waste matter due to blockage.
- (xi) The equipment and the approved processing area shall not be used without approval of the competent authority for the processing of any other material other than meat for export.
- (xii) The authorised premises shall have adequate cold storage facilities.
- (xiii) The cold storage shall be periodically washed, disinfected and kept free of blood, meat pieces, etc. The cold storage shall satisfy all the requirements stipulated under the Cold Storage Order, 1964.
- (xiv) The rooms and compartments in which the meat is processed or stored shall be free from dust, and odour emanating from the dressing rooms, toilet rooms, catch basins, by-products storage animal pens, etc.
- (xv) The entry to the processing area shall be restricted and process-workers from slaughter or by-product section shall not be allowed to enter the clean area i.e. processing or packing area. For easy identification the uniforms of workers of the clean area shall be different from those working in other areas of the slaughter house.
- (xvi) The equipment shall be so placed as to permit thorough inspection for cleanliness. All the tables and equipments used for dressing or carcasses shall be of such material which can be easily cleaned, sterilised and is impervious to water, resistant to chemicals and rust. No vessel or container for storage of meat made up of galvanised iron or iron shall be used. Copper or brass vessel, when used, should be heavily tinned. Use of wooden equipments/structures in the processing area shall be avoided. Wooden chopping blocks and wooden handle of knives which when used shall daily be washed with hot water or steam sterilised. The wooden chopping blocks shall be strong enough to withstand chopping, and shall not contaminate the meat with wood dust.
- (xvii) Water used in the processing area shall be clean and potable and if suspected to be unwholesome shall be got examined, chemically and bacteriologically through a laboratory duly approved by the Agricultural Marketing Adviser and the cost of analysis shall be borne by the packer.
- (xviii) Whenever five or more employees of either sex are employed, sufficient number of latrines and wash basins as specified below shall be provided for each sex :—

No. of workers	No. of Latrines	No. of Wash basins	No. of Bath rooms
Not exceeding 25	1	1	1
Exceeding 25 but not exceeding 49	2	2	2
Exceeding 50 but not exceeding 100	3	3	3
Exceeding 100	5	5	5

- (xix) All the entries to the processing area shall be provided with anti-septic foot bath for the persons entering the premises.
- (xx) Wash basins with ample detergent and harmless anti-septic solution with foot operated combination faucets having hot and cold water supply shall be provided at each entry and exit points, and care being taken that none enters without using the same.
- (xxi) Spitting, chewing and smoking shall be prohibited in the processing area.
- (xxii) All process-workers shall be provided with aprons, head-wear, hand gloves and gum boots of such material which can be easily cleaned and disinfected. The supervisory staff shall ensure that the same are clean and the workers are neat, clean and tidy.
- (xxiii) The finger nails and the hairs shall be properly trimmed. Combing of hairs in processing area and cleaning (blowing) of nose shall be prohibited.
- (xxiv) No person having any open wound on the hands, shall be allowed to work in the processing area. No person suffering from infection or contagious disease shall be allowed to enter the premises. Monthly medical check up of all the employees shall be carried out by a registered medical practitioner. A record of such examination duly signed by a registered medical practitioner shall be maintained and presented to the Meat Inspector, when desired. All the employees shall be periodically inoculated against the enteric groups of diseases as tuberculosis and vaccinated against small pox and the certificate for these shall be made available for inspection when demanded. Over-crowding of employees in the processing area shall be avoided by providing working tables at sufficient distance from each other.
- (xxv) Ample supply of water (hot and cold) shall be provided to meet the workers and plant clean up needs. The tables, band saw and its blades, knives containers (scaburds), containers for storage of meat shall be washed thoroughly with detergent solutions and hot water (60° C to 80° C).
- (xxvi) Exhaust fans shall be provided, where necessary.
- (xxvii) All the processing area and equipments shall be cleaned and disinfected both before and after each days work.
- (xxviii) The floor and walls shall be cleaned on continuous basis to avoid accumulation and decomposition of meat etc.
- (xxix) Inedible offals and scrap meat shall be removed on continuous basis and the trollies used for transportation of the same shall be so marked as to identify them from those which shall be exclusively used for the transportation of carcass meat.
- (xxx) A definite time schedule shall be adopted for cleaning and sanitizing the chilling room, deep freezer, etc.

SCHEDULE-I

(See rule 3 and 4)

Grade designations and definition of raw chilled/frozen bovine meat commercially known as beef obtained from bovine carcasses and produced in India

Grade designation	Special Characteristics	General Characteristics
1	2	3
GRADE I CHOICE GRADE	<p>The meat offered as dressed carcass shall show</p> <ol style="list-style-type: none"> (1) proper setting without excessive drip, (2) bright glistening appearance, (3) fullness of muscles, and be thick in relation its length i.e. neck, shank and legs to be short, (4) fineness in grain and velvety touch, (5) firmness in consistency i.e. will not pit on pressure. (6) minimum connective tissue, (7) mottled throughout by fine lines of fat interspersed with the lean, (8) adequate depot fat, (9) fine marbling, (10) fat to be dry, firm and flaky, (11) good finish i.e. such as to cover the shoulders, (12) a thin cover of fat throughout, (13) shoulder bones shall not be visible, (14) uniform depth of the body evenness at the top and not bony to feel, (15) lean, fine in texture, bright red to reddish in colour (16) bone marrow be pinkish white and the bones shall not be flinty, (17) the meat shall be full of sap, (18) back bones not to be fully ossified, (19) freedom from fascia, <p>The meat offered as primal or portion cuts in addition to the above characteristics shall show in fore/hind quarters/or its cuts :—</p> <ol style="list-style-type: none"> (1) cartilaginous tips at the end of each of superior process off dorsal vertebrae, (2) white ribs adequately covered with thick muscles, (3) rib eye muscle fine in texture, and red in colour, (4) chunks which tend to be thick, (5) freedom from separable fat and the cuts shall be lean, (6) free from tears, lacerations, ragged edges, slirne, (7) discolouration, malodour and structural, alterations, (8) pelvic bone smooth and glossy without complete ossification. The hip and thigh muscles should be plump and not to show concavity, (9) not very hard sacral bones though they may be completely ossified, (10) boneless cuts to be entirely free from bone pieces, wood dust, metal pieces or other undesirable matter. 	<p>The meat shall :—</p> <ol style="list-style-type: none"> (1) be obtained from healthy animals slaughtered in licensed premises and subjected to antemortem and postmortem inspection according to the prescribed procedures, (2) be prepared under hygienic conditions, wholesome and otherwise fit for human consumption, (3) be free from parasitic infestation, (4) not, have been subjected to bacterial and fungal activation, (5) have been chilled/frozen within 12 hours of slaughter and continue to remain in this condition, (6) not have bacterial count exceeding one million per gram.
A GRADE II OR GOOD GRADE	<p>As per Grade I except that the following slight deviations shall be permitted in the dressed carcasses, namely :—</p> <ol style="list-style-type: none"> (1) slight unevenness at the top, (2) may lack uniform conformation and evenness, (3) may not show adequate depth but shall not be rangy angular thinly fleshed. (4) slightly deficient in fullness of muscling characteristics, (5) slight concavity in the hip and thigh, (6) hind quarters slightly concave, (7) chucks may be thin and flat, (8) have completely ossified lumbar vertebrae. 	

GRADE III OR COMMERCIAL GRADE As per Grades I and II except that the following slight deviations shall be permitted in the dressed carcasses, namely :—

1. excessive and coarse deposition of fat throughout,
2. thick and coarse muscles,
3. rough and irregular in contour.

GRADE X As agreed to between the purchaser and the exporter, but against firm order.

The phrase "firm order" shall mean either that the whole of the purchase money is to be paid in cash before and or is guaranteed in some other way.

SCHEDULE II

(See rules 3 and 4)

Grade designation and definition of quality of raw chilled/frozen bovine meat, commercially known as veal/calf meat obtained from calves upto 1 year of age and produced in India

Grade designation	Special Characteristics	General Characteristics
1	2	3
GRADE I OR CHOICE GRADE	<p>The dressed carcass shall show :—</p> <ol style="list-style-type: none"> (1) proper setting without excessive drip, (2) bright and glistening appearance, (3) fine in grain and velvety to touch, (4) adequate depot fat, (5) fat deposit in thin layers at shoulders and hind quarters, (6) fat to be firm, dry and flaky, (7) uniform depth of body and evenness at the top, (8) the meat to show sap, (9) bone marrow to be pinkish, (10) the back bone soft, pink, red and brown, (11) free from separable fat, (12) hip and thigh muscles shall not show concavity, (13) free from tears, lacerations, slime, discolouration, malodour and structural alterations, (14) general confirmation to be compact and smooth with heavy back. 	<p>The meat shall :—</p> <ol style="list-style-type: none"> (1) be obtained from healthy animals slaughtered in licensed premises and subjected to ante-mortem and post-mortem inspection according to the prescribed procedures. (2) be prepared under hygienic conditions, wholesome and otherwise fit for human consumption, (3) be free from parasitic infestation, (4) not have been subjected to bacterial and fungal activation, (5) have been chilled/frozen within 12 hours of slaughter and continue to remain in this condition. (6) not have viable bacterial count exceeding one million per gram.

GRADE II or STANDARD GRADE. Same as Grade I except for the following deviations, namely :—

- (1) dressed carcasses carry less finish and show more bone,
- (2) uniformity in the carcass confirmation may not be present
- (3) are hippy and leggy,
- (4) rough in shoulder,
- (5) light in round,
- (6) are narrow and have thin muscles.

GRADE X As agreed to between the purchaser and the exporter but against firm order.

The phrase "firm order" shall mean either that the whole of the purchase money is to be paid in cash beforehand or in guaranteed in some other way.

SCHEDULE III

(See rules 3 and 4)

Grade designation and definition of raw chilled/frozen sheep and goat meat commercially known as mutton and obtained from sheep and goat produced in India—

Grade designation	Special Characteristics	General Characteristics
1	2	3
GRADE I CHOICE GRADE	The dressed carcass shall have— (1) wide, deep, smooth, compact conformation, (2) shoulders thick and neat, crops full, broad and thick back and the legs plump, (3) finish firm and evenly distributed, (4) sufficient depot fat, (5) the dressed weight not less than 10 kilograms.	The meat shall :— (1) be obtained from healthy animals slaughtered in licensed premises and subjected to ante-mortem and post mortem inspection according to the proscribed procedures, (2) be prepared under hygienic conditions, wholesome and otherwise fit for human consumption, (3) be free from parasitic infestation, (4) not have been subjected to bacterial and fungal activation.
GRADE II or STANDARD GRADE	As per Grade I exception following deviations, namely— (1) the carcass which is slightly deficient in the above characteristics, (2) lack in trimmable fat, (3) the back of the dressed carcass shows a decided prominence of bones, (4) have rough prominent shoulders, bars ribs.	(5) have been chilled/frozen within 12 hours of slaughter and continue to remain in this condition, (6) not have viable bacterial count exceeding one million per gram.
GRADE X	As agreed to between the purchaser and the exporter but against firm orders.	

The phrase "firm order" shall mean either that the whole of the purchase money is to be paid in cash beforehand or is guaranteed in some other way.

SCHEDULE IV

(See rules 3 and 4)

Grade, designation and definition of quality of minced meat obtained from dressed carcasses of bovines and dressed carcasses of sheep and goat and commercially known as Keema

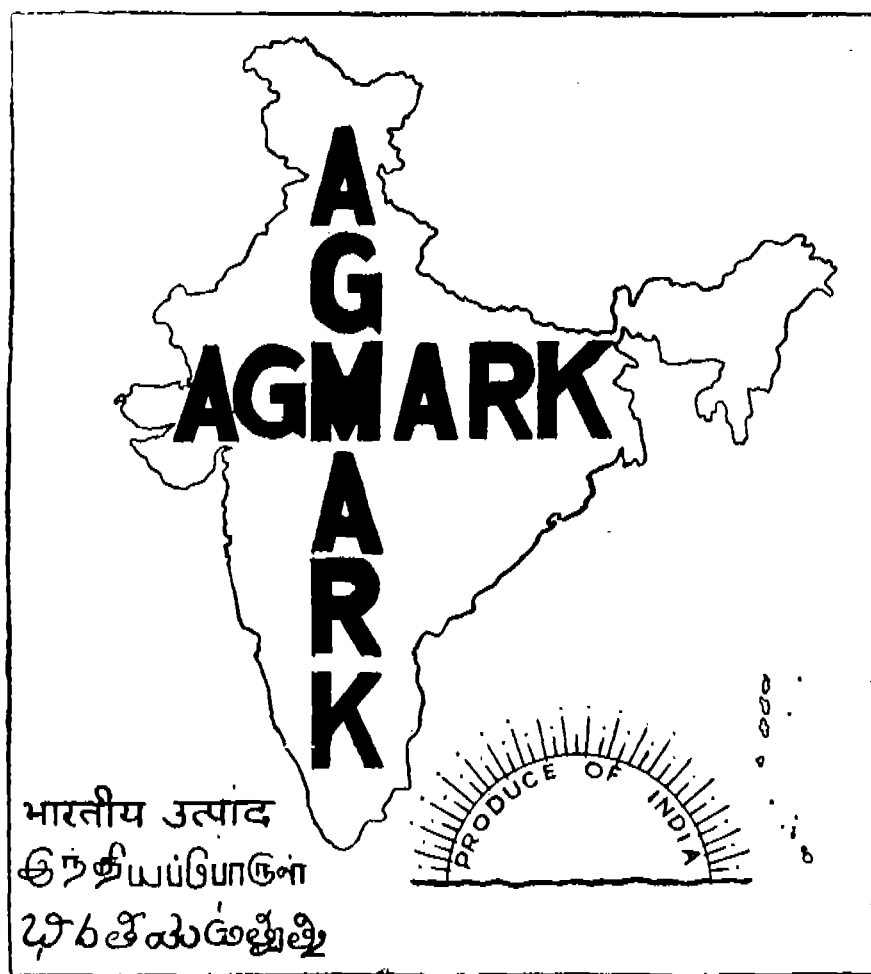
Grade, Designation	Special Characteristics	General Characteristics
1	2	3
GRADE I	The meat that is used shall— (1) be obtained from Grades I and II quality of the dressed carcasses of one type only, (2) be free from blood clots, bones and bonepieces, tendons, bristles, hairs etc., (3) be free of any foreign material, (4) shall not show any trace of decomposition, discolouration, malodour etc., (5) be free from fat, (6) be bright in colour, (7) be of uniform grains.	The meat shall :— (1) be obtained from healthy animals slaughtered in licensed premises and subjected to ante-mortem and post-mortem inspection according to the prescribed procedures, (2) be prepared under hygienic conditions, wholesome and otherwise fit for human consumption, (3) be free from parasitic infestation, (4) not have been subjected to bacterial and fungal activation.
GRADE X	As agreed to between the purchaser and the exporter but against firm order.	(5) have been chilled/frozen within the 12 hours of slaughter and continue to remain in this condition, (6) not have viable bacterial count exceeding one million per gram.
	The phrase "firm order" shall mean either that the whole of the purchase money is to be paid in cash beforehand or is guaranteed in some other way.	

SCHEDULE V

(See rule 5)

Grade designation mark to be applied: Raw Meat (frozen/chilled) The grade designation mark to be applied to packages of raw meat (frozen/chilled) shall have the following design

Serial No.



TYPE Beef carcass/halves/quarters/mince

Grade

Internal temperature of meat

Net Weight

GROSS WEIGHT

DATE OF PACKING

Serial No.

(Signature of Inspecting Officer)

[No. F. 13-3/74—AM]

R. N. BAKSHI, Under Secy.

ऊर्जा मंत्रालय

(विद्युत विभाग)

नई दिल्ली, 31 अक्टूबर, 1975

का०आ० 467.—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 79 की उप-धारा (2) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मेजर जनरल टी० वी० जगनाथन, मुख्य अभियन्ता, पश्चिमी कमान को श्री एस० एस० लाम्बा के स्थान पर व्यास परियोजना के महाप्रबन्धक के रूप में, 30 सितम्बर, 1975 के अपराह्न से आगामी आदेश होने तक के लिए नियुक्त करते हैं।

[सं० 30/75-5(4)/75-प्रशासन आर]

लक्ष्मी चन्द्र गर्ग, अधिवक्ता

MINISTRY OF ENERGY

(Department of Power)

New Delhi, dated the 31st October, 1975

S. O. 467.—In exercise of the powers conferred by Clause (a) Sub-Section (2) of Section 79 of the Punjab Re-organisation Act, 1966 (31 of 1966), the Central Government hereby appoints Maj. General T. V. Jaganathan, Chief Engineer, Western Command, as General Manager, Beas Project vice Shri S. S. Lamba, with effect from the afternoon of the 30th September, 1975, until further orders.

[No. 30/75-F. 5(4)/75-Adm. IV]

L. C. GARG, Under Secy.

(कोयला विभाग)

नई दिल्ली, 8 जनवरी, 1976

शुद्धि-पत्र

का०आ० 468.—भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं० का० आ० 1302, तारीख 10 अप्रैल, 1975 में, जो भारत के राजपत्र, भाग 2 खंड 3, उप-खंड (II), तारीख 26 अप्रैल, 1975 में प्रकाशित हुई है, पृष्ठ 1629 पर,—

अनुसूची "(ख) सरकारी वन" में,—

- (i) क्रम सं० 2 के सामने, 'कूपे संख्या' स्तम्भ में, 'XXXVI' के स्थान पर 'XXXI' पढ़ें ;
- (ii) क्रम सं० 3 के सामने, 'कूपे संख्या' स्तम्भ में 'XXXIX' के स्थान पर 'XXIX' पढ़ें ;
- (iii) अन्त में "(क) और (ख) का कुल जोड़ या" के सामने, "क्षेत्र एकड़ों में" स्तम्भ के नीचे, "3525.03 हेक्टेयर" के स्थान पर "3525.03 हेक्टेयर" पढ़ें।

[सं० 19(4)/74-सी ई एल]

एस० आर० ए० रिजवी, उप-सचिव

(Department of Coal)

New Delhi, the 8th January, 1976

CORRIGENDUM

S. O. 468.—In the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S. O. 1302 dated the 10th April, 1975, published in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated the 26th April, 1975, at page 1630 :—

- (i) in SCHEDULE (B), with the heading "GOVT. FOREST", against serial number 5,—

FOR	303.00
READ	403.00

- (ii) after Schedule (B), against GRAND TOTAL OF (A) & (B),—

FOR	3525.86 hectares
READ	3525.88 hectares.

[No. 19 (4)/74-CEL]

S. R. A. Rizvi
Dy. Secy.

पर्यटन और नागर विमानन मंत्रालय

नई दिल्ली, 30 दिसम्बर, 1975

का०आ० 469.—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 9 के उप-नियम (2), नियम 12 के उप-नियम (2) के खंड (ख) तथा नियम 24 के उप-नियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के पर्यटन और नागर विमानन मंत्रालय की अधिसूचना संख्या का०आ० 2395, दिनांक 2 सितम्बर, 1972 में निम्नलिखित संशोधन करते हैं, अर्थात्:—

उक्त अधिसूचना की अनुसूची में, भाग III—

साधारण केन्द्रीय सेवा, वर्ग IV में, "विमानक्षेत्र नियंत्रक/संचार नियंत्रक/वैमानिक निरीक्षक नियंत्रक" शब्दों के स्थान पर, स्तम्भ 3, 4 व 5 में जहाँ कहाँ वे आए हों, "क्षेत्रीय निदेशक" शब्द रखे जाएंगे।

[सं० सी 11021/1/72-वी०ई० (भाग)]

फतेह चन्द्र सूद, अधिवक्ता

Ministry of Tourism and Civil Aviation

New Delhi, the 30th December, 1975

S. O. 469.—In exercise of the powers conferred by sub-rule (2) of rule 9 clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, of the Central Civil Services Classification, Control and Appeal Rules, 1965, the President hereby makes the following amendments in the notification of the Government of India, Ministry of Tourism and Civil Aviation, No. S. O. 2395, dated the 2nd September, 1972, namely :—

In the Schedule to the said notification, in Part III General Central Service, Class IV, for the words "Controller of Aerodromes/Controller of Communication/Controller of Aeronautical Inspection", wherever they occur in columns 3, 4 and 5, the words "Regional Director" shall be substituted.

[No. C-11021/1/72-VE (Pt.)]

F. C. SUD, Under Secy

नौवहन और परिवहन मंत्रालय

नौवहन महासचिवालय

बम्बई, 1 नवम्बर, 1975

बाणिज्य नौवहन

का०आ० 470.—भारत सरकार के भूतपूर्व परिवहन तथा संचार मंत्रालय (परिवहन विभाग) के आदेश सं० का०आ० 3144 दिनांक 17-12-1960 के साथ पठित बाणिज्य पोत परिवहन अधिनियम, 1958 (1958 का 44)

की धारा 391 को उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नौवहन महानिदेशक एतद्वारा भारत सरकार, नौवहन और परिवहन मंत्रालय, नौवहन महानिदेशालय की अधिसूचना सं० का०श्री० 1627 दिनांक 11-3-1975 में निम्न संशोधन करते हैं अर्थात्:—

उपर्युक्त अधिसूचना तारीख 11-3-1975 के क्रम सं० 2 के उप-परिच्छेद के अधीन शीर्षक “अधिकारी और प्राधिकारी” और “विहित सीमाएं” के अन्तर्गत प्रविष्टियों के स्थान पर क्रमशः निम्न प्रविष्टियाँ प्रतिस्थापित की जाएँ:—

नये तुतीकोरिन पत्तन के संरक्षक

नये तुतीकोरिन पत्तन की सीमाओं में

[सं० 40-एस०एच०(99)/74]

एस० व्ही० भावे, महानिदेशक

MINISTRY OF SHIPPING AND TRANSPORT

(Directorate General of Shipping)

Bombay, the 1st November, 1975

(Merchant Shipping)

S. O. 470.—In exercise of the powers conferred by Sub-Section (1) of the Section 391 of the Merchant Shipping Act, 1958 (44 of 1958) read with the order of the Government of India in the late Ministry of Transport & Communication (Department of Transport) No. S. O. 3144 dated 17-12-1960, the Director General of Shipping hereby makes the following amendments in the Notification of the Government of India in the Ministry of Shipping & Transport, Directorate General of Shipping, No. S. O. 1627 dated 11-3-1975, namely :—

The following entries shall be substituted respectively in place of the entries under Sub-para of Sr. No. 2 under the headings “Officers and Authorities” and “Limits prescribed” of the aforesaid notification dated 11-3-1975 :—

Conservator of the port of Within the port of New
New Tuticorin. Tuticorin.

[No. 40-SH (99)/74]

S. V. BHAVE, Dir. Gen.

निर्माण और आवास मंत्रालय

नई दिल्ली, 8 जनवरी, 1976

शुद्धि-पत्र

का०श्री० 471.—भारत के राजपत्र, भाग 2, खंड 3, उप-खंड (II), तारीख 16-8-1975 में प्रकाशित, भारत सरकार के निर्माण और आवास मंत्रालय की अधिसूचना सं० 2685, तारीख 5-8-1975 में,—

“स्थावर सम्पत्ति अधिग्रहण और अर्जन अधिनियम, 1952 (1952 का 30) की धारा 2 के खंड (ख) के अनुसरण में,” के स्थान पर

“स्थावर सम्पत्ति अधिग्रहण और अर्जन अधिनियम, 1952 (1952 का 30) की धारा 17 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,” पढ़ें।

[फाइल सं० 19014(1)/75-पाविसी 4]

ह० रा० गोयल, उप-सम्पदा निदेशक

संचार मंत्रालय

(डाक-तार बोर्ड)

नई दिल्ली, 3 जनवरी 1976

का०श्री० 472.—केन्द्रीय सरकार, भारतीय डाकघर अधिनियम, 1898 (1898 का 6) की धारा 36, 46 और 74 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय डाकघर नियम, 1933 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इन नियमों का नाम भारतीय डाकघर (पहला संशोधन) नियम, 1976 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. भारतीय डाकघर नियम, 1933 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 84 में:—

(क) उप-नियम (1) में, “डाक-तार गार्ड” शब्दों के स्थान पर “डाकघर गार्ड” शब्द रखे जाएंगे;

(ख) उपनियम (1) के पश्चात् निम्नलिखित उपनियम अन्तःस्थापित किया जाएगा, अर्थात्:—

“1. महा निदेशक समय-समय पर डाकघर गार्ड में उन देशों और स्थानों को भी अधिसूचित करेगा जिनके साथ मूल्य देय प्रणाली के अधीन मूल्य देय डाक वस्तुओं और सुगुंरी पर अदायगी प्रणाली के अधीन मूल्य देय डाक वस्तुओं की प्रवृत्ति बदली की जा सकेगी।”

3. उक्त नियमों के नियम 103 में “मूल्य देय डाक वस्तुओं” शब्दों से प्रारम्भ होने वाले और “(सी० प्रो० डी०)” के नाम से श्रात” शब्दों, कोष्ठकों और अक्षरों से समाप्त होने वाले प्रभाग के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“डाकघर गार्ड में महा-निदेशक द्वारा समय-समय पर अधिसूचित देशों और स्थानों के साथ “मूल्य-देय” या “सी० प्रो० डी०” के नाम से श्रात प्रणाली के अधीन मूल्य देय डाक वस्तुओं की प्रवृत्ति बदली की जा सकेगी।”

4. उक्त नियमों के नाम 109 में,—

(क) उप-नियम (1) का लोप किया जाएगा और उप-नियम (2) से (5) को उसके क्रमशः उप-नियम (1) से (4) के रूप में पुनःसंख्यांकित किया जाएगा;

(ख) इस प्रकार पुनःसंख्यांकित उप-नियम (2) में:—

(i) “उपरोक्त उप-नियम (1) में उल्लिखित किसी देश को”

“देशों, कोष्ठकों और अक्षरों का लोप किया जाएगा;

(ii) परन्तुक में, “अदन और मकाला (अदन की खाड़ी)”

शब्दों और कोष्ठकों के स्थान पर “यमन लोकतांत्रिक

गणराज्य,” शब्द रखे जाएंगे;

(ग) इस प्रकार पुनःसंख्यांकित उप-नियम (3) में:—

(i) खंड (क) में, “अदन और मकाला (अदन की खाड़ी)”

शब्दों और कोष्ठकों के स्थान पर, “यमन, लोकतांत्रिक

गणराज्य” शब्द रखे जाएंगे;

(ii) खण्ड (ख) और (ग) के स्थान पर निम्नलिखित खंड

रखे जाएंगे, अर्थात्:—

“(ख) उन वस्तुओं की वशा में जो ऐसे देशों और

स्थानों से प्राप्त होती हैं जिन के विनियम का माध्यम ब्रिटिश पाउण्ड स्टलिंग है, ऐसी फीस जो निम्नलिखित अनुसूची II में है, और

(ग) ऐसी वस्तुओं की वशा में जो उन देशों और स्थानों से प्राप्त होती हैं जिनके साथ विनियम का माध्यम भारतीय रुपया है, ऐसी चीज जो निम्नलिखित अनुसूची I में है।” ;

(iii) “पाकिस्तान, अदन और मकाला (अदन की खाड़ी) के सिवाय उप-नियम (i) में उल्लिखित” शब्दों, कोष्ठकों और अंक के स्थान पर “पाकिस्तान और यमन लोक-तांत्रिक गणराज्य से भिन्न” शब्द रखे जाएंगे ;

(iv) टिप्पण में:—

(क) “हराक में” शब्दों के स्थान पर “विदेश में” शब्द रखे जाएंगे ;

(ख) “स्टलिंग” शब्द के स्थान पर, “करेंसी” शब्द रखा जाएगा ;

5. उक्त नियमों के नियम 109 क में:—

(क) उप-नियम (1) का लोप किया जाएगा और उप-नियम (2) से (5) को उसके क्रमशः उप-नियम (1) से (4) के रूप में पुनःसंख्यांकित किया जाएगा ;

(ख) इस प्रकार पुनःसंख्यांकित उप-नियम (1) में “उप-नियम (2)” शब्द, कोष्ठकों और अंक के स्थान पर, “उप-नियम (1)” शब्द, कोष्ठक और अंक रखे जाएंगे ;

(ग) इस प्रकार पुनःसंख्यांकित उप-नियम (2) में, “नियम 109(4)” शब्द अंकों और कोष्ठकों के स्थान पर, “नियम 109(3)” शब्द अंक और कोष्ठक रखे जाएंगे ;

(घ) इस प्रकार पुनःसंख्यांकित उप-नियम (4) में,—

(i) “उप-नियम (3)” शब्द, कोष्ठकों और अंक के स्थान पर, “उप-नियम (2)” शब्द, कोष्ठक और अंक रखे जाएंगे ;

(ii) टिप्पण के स्थान पर निम्नलिखित टिप्पण रखा जाएगा, अर्थात्:—

“टिप्पण:—सुपुर्वगी पर अदायगी प्रणाली के अधीन विदेशों को भेजे गए मूल्य-वैय पासलों की बाबत विदेशी करेंसी की रकम के भारतीय करेंसी में संपरिवर्तन को नियम 109(3) के नीचे का टिप्पण लागू होगा।”

6. उक्त नियमों के नियम 156 में, “डाक-तार गाइड” शब्दों के स्थान पर “डाक-घर गाइड” शब्द रखे जाएंगे और “लंका” शब्द के स्थान पर, “श्री लंका” शब्द रखे जाएंगे।

7. उक्त नियमों के नियम 158 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:—

“158. तार द्वारा विदेश मनीऑर्डरों के लिए विनियम के देश:—

महा-निदेशक समय-समय पर डाक-घर गाइड में उन देशों और स्थानों को अधिसूचित करेगा जिनके साथ नियम 157 में विनिर्दिष्ट प्रत्येक प्रकार के तार मनीऑर्डरों की अवला बबली की जा सकेगी।”

8. उक्त नियमों के नियम 159 का लोप किया जाएगा।

9. उक्त नियमों के नियम 160 में, “नियम 158 या नियम 159 में उल्लिखित डाक-घर” शब्दों और अंकों के स्थान पर, “नियम 158 के अधीन डाक-घर गाइड में अधिसूचित स्थान” शब्द और अंक रखे जाएंगे ;

10. उक्त नियमों के नियम 162 में खंड (2) में, “लंका” शब्द के स्थान पर, “श्री लंका” शब्द रखे जाएंगे।

11. उक्त नियमों के नियम 164 में, “लंका” शब्द के स्थान पर “श्री लंका” शब्द रखे जाएंगे।

12. उक्त नियमों के नियम 165 में, “पाकिस्तान, लंका, अदन के सिवाय नियम 158 या नियम 159 में प्रगणित” शब्दों और अंकों के स्थान पर “पाकिस्तान, श्री लंका और यमन लोकतांत्रिक गणराज्य के सिवाय नियम 158 के अधीन डाक-घर गाइड में अधिसूचित” शब्द और अंक रखे जाएंगे।

13. उक्त नियमों के नियम 166 में,—

(क) उप-नियम (1) में “अदन, पाकिस्तान और लंका के सिवाय नियम 158 या नियम 159 में उल्लिखित” शब्दों और अंकों के स्थान पर “यमन लोकतांत्रिक गणराज्य, पाकिस्तान और श्री लंका के सिवाय नियम 158 के अधीन डाक-घर गाइड में अधिसूचित” शब्द और अंक रखे जाएंगे।

(ख) उपनियम (2) में, “अदन, पाकिस्तान और लंका” शब्दों के स्थान पर “यमन लोकतांत्रिक गणराज्य, पाकिस्तान और श्री लंका” शब्द रखे जाएंगे ;

14. उक्त नियमों के नियम 167 में, “लंका” शब्द, जहाँ कहीं भी वह आया हो, के स्थान पर “श्री लंका” शब्द रखे जाएंगे।

15. उक्त नियमों के नियम 171 के उप-नियम (2) में ;

(i) “स्टलिंग” शब्द के स्थान पर “करेंसी” शब्द रखा जाएगा ;

(ii) “नियम 159 में प्रगणित” शब्दों और अंकों के स्थान पर “और नियम 158 के अधीन डाक-घर गाइड में अधिसूचित स्थान” शब्द और अंक रखे जाएंगे।

16. उक्त नियमों के नियम 172 के उप-नियम (1) में, “नियम 158 और नियम 159 में उल्लिखित” शब्दों और अंकों के स्थान पर “जिनको तार मनीऑर्डर भेजे जा सकते हैं,” शब्द रखे जाएंगे।

[सं० 43/2/71-सी० एफ०]

ए० बी० शहशाना, उप-महानिदेशक

MINISTRY OF COMMUNICATIONS

(Posts and Telegraphs Board)

New Delhi, the 3rd January, 1975

S. O. 472.—In exercise of the powers conferred by sections 36, 46 and 74 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933 namely :—

1. (1) These rules may be called the Indian Post Office (First Amendment) Rules, 1976.

(2) They shall come into force on the date of publication in the Official Gazette.

2. In rule 84 of the Indian Post Office Rule, 1933 (hereinafter referred to as the said rules) :—

(a) in sub-rule (1), for the words “Post and Telegraph Guide”, the words “Post Office Guide” shall be substituted;

(b) after sub-rule (1), the following sub-rule shall be inserted, namely :—

“1A The Director-General shall also, from time to time, notify in the Post Office Guide the countries and places with which value payable postal articles under value-payable system and value payable postal

articles under cash-on-delivery system may be exchanged."

3. In rule 103 of the said rules, or the portion beginning with the words "Value-payable postal articles" and ending with the words, brackets and letters "known as (C.O.D.)" the following shall be substituted, namely :—

"Value-payable postal articles may be exchanged under the system known as "V.P." or "C.O.D.", with the countries and places notified by the Director General, from time to time, in the Post Office Guide."

4. In rule 109 of the said rules :—

(a) sub-rule (1) shall be omitted, and sub-rules (2) to (5) shall be renumbered as sub-rules (1) to (4) thereof respectively.

(b) in sub-rule (2) as so renumbered :—

(i) the words, brackets and figure "to any country mentioned in sub-rule (1) above" shall be omitted;

(ii) in the proviso, for the words and brackets "Aden and Makalla (Gulf of Aden)", the words "the People's Democratic Republic of Yemen" shall be substituted;

(c) in sub-rule (3) as so renumbered :—

(i) in clause (a), for the words and brackets "Aden and Makalla (Gulf of Aden)", the words "the People's Democratic Republic of Yemen" shall be substituted;

(ii) for clauses (b) and (c), the following clauses shall be substituted namely :—

"(b) in the case of articles received from the countries and places with which the medium of exchange is British Pound Sterling a fee as in Schedule II below; and

(c) in case of articles received from the countries and places with which the medium of exchange is Indian Rupee, a fee as in Schedule I below."

(iii) for the words, brackets and figures "mentioned in sub-rule (1) except Pakistan, Aden and Makalla (Gulf of Aden)", the words "other than Pakistan and the People's Democratic Republic of Yemen", shall be substituted;

(iv) in the Note:—

(a) for the words "in Iraq" the word "abroad" shall be substituted;

(b) for the word "sterling", the word "currency" shall be substituted.

5. In rule 109A of the said rules :—

(a) sub-rule (1) shall be omitted and sub-rules (2) to (5) shall be renumbered as sub-rules (1) to (4) thereof respectively;

(b) in sub-rule (1) as so re-numbered, for the word, brackets and figure "Sub-rule (2)", the word, brackets and figure "Sub-rule (1)" shall be substituted;

(c) in sub-rule (2) as so re-numbered, for the word, figures and brackets "rule 109 (4)", the word, figures and brackets "rule 109 (3)" shall be substituted.

(d) in sub-rule (4) as so re-numbered :—

(i) for the word, brackets and figures "sub-rule (3)" the word, brackets and figure "sub-rule (2)" shall be substituted;

(ii) for the Note, the following Note shall be substituted, namely :—

"Note :—Note below rule 109 (3) shall apply to the conversion into Indian currency of the foreign currency amount in respect of value-payable parcels posted abroad under cash-delivery system".

6. In rule 156 of the said rules, for the words "Post and Telegraph Guide" the words "Post Office Guide" and for the word "Ceylon" the words "Sri Lanka" shall be substituted.

7. For rule 158 of the said rules, the following rule shall be substituted, namely :—

"158. Countries of exchange for telegraphic foreign money orders :—The Director General shall, from time to time notify in the Post Office Guide the countries and places with which telegraphic money orders of each kind specified in rule 157 may be exchanged."

8. Rule 159 of the said rules shall be omitted.

9. In rule 160 of the said rules, for the words and figures "post offices mentioned in rule 158 or rule 159", the word and figures "places notified in the Post Office Guide under rule 158" shall be substituted.

10. In rule 162 of the said rules, in clause (2) for the word "Ceylon" the word "Sri Lanka" shall be substituted.

11. In rule 164 of the said rules, for the word "Ceylon" the words "Sri Lanka" shall be substituted.

12. In rule 165 of the said rules, for the words and figures "enumerated in rule 158 or rule 159 except Pakistan, Ceylon, Aden" the words and figures "notified in the Post Office Guide under rule 158 except Pakistan, Sri Lanka and the People's Democratic Republic of Yemen" shall be substituted.

13. In rule 166 of the said rules;

(a) in sub-rule (1), for the words and figures "mentioned in rule 158 or rule 159 except Aden, Pakistan and Ceylon", the words and figures "notified in the Post Office Guide under rule 158 except the People's Democratic Republic of Yemen, Pakistan and Sri Lanka" shall be substituted;

(b) in sub-rule (2), for the words "Aden, Pakistan and Ceylon" the words "the People's Democratic Republic of Yemen, Pakistan and Sri Lanka" shall be substituted.

14. In rule 167 of the said rules for the word "Ceylon", wherever it occurs the words "Sri Lanka" shall be substituted.

15. In sub-rule (2) of rule 171 of the said rules;

(i) for the word "sterling", the word "currency" shall be substituted;

(ii) for the words and figures "enumerated in rule 159" the words and figures "and places notified in the Post Office Guide under rule 158" shall be substituted.

16. In sub-rule (1) of rule 172 of the said rules, for the words and figures "mentioned in rule 158 and rule 159", the words "to which telegraphic money orders can be sent" shall be substituted.

नई दिल्ली, 12 जनवरी, 1976

का. आ. 473.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड 3 पैरा (क) के अनुसार डाक-तार महानिदेशक ने वाणी टेलीफोन केंद्र में दिनांक 1-2-76 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं. 5-4/76-पी. बी.]

New Delhi, the 12th January, 1976

S.O. 473.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-2-1976 as the date on which the Measured Rate System will be introduced in Wani Telephone Exchange, Maharashtra Circle.

[No. 5-5/76-PHB]

का. आ. 474.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड 3 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने नीमच टेलीफोन केंद्र में दिनांक 1-2-76 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-5/76-पी. एच. बी.]

S.O. 474.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S. O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-2-1976 as the date on which the Measured Rate System will be introduced in Neemuch Telephone Exchange, M.P. Circle.

[No. 5-5/76-PHB.]

नई दिल्ली, 15 जनवरी, 1976

का. आ. 475.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड 3 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने चिपलून टेलीफोन केंद्र में दिनांक 1-2-1976 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-4/76-पी. एच. बी.]

पी. सी. गुप्ता, सहायक महानिदेशक (पी. एच. बी.)

New Delhi, the 15th January, 1976

S.O. 475.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S. O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-2-1976 as the date on which the Measured Rate System will be in-

troduced in Chipleen Telephone Exchange, Maharashtra Circle.

[No. 5-4/76-PHB]

P. C. GUPTA, Assistant Director General (PHB)

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 7 जनवरी, 1975

का० आ० 476.—केन्द्रीय सरकार, भारतीय रेल अधिनियम, 1890 (1890 का 9) की धारा 53 की उप-धारा (1) और उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के रेल मंत्रालय (रेल बोर्ड) की अधिसूचना सं० 75/एम० (एन०)/951/69 तारीख 12 सितम्बर, 1975 में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना में “क. बड़ी लाइन माल डिब्बों” शीर्षक के अधीन “1. अनुज्ञात अधिक लदान की सीमा” मद के अधीन उपमद (3) और उसके नीचे के टिप्पण के स्थान पर निम्नलिखित उपमद और टिप्पण रखा जाएगा, अर्थात्:—

“(3) बी ओ एक्स, बी ओ आई, बी आर एल, बी आर एच, बी सी एक्स, बी ओ डी एक्स और बी ओ बी एस माल डिब्बों को इस सीमा तक अधिक लदान करने दिया जा सकेगा कि माल डिब्बों की लदान सहायता सहित, परेपण का कुल भार, अंकित बहुत क्षमता के भार से, उसमें 2 टन भार और जोड़ दिए जाने पर भी, अधिक न हो।

टिप्पण:—“टैंक माल डिब्बों की दशा में, किसी प्रकार का अधिक लदान नहीं करने दिया जाएगा।”

[सं० 75/एम० 951/69]

ए० एल० गुप्त, सचिव एवं पदेन संयुक्त सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 7th January, 1976

S.O. 476.—In exercise of the powers conferred by sub-section (1) and sub-section (4) of section 53 of the Indian Railway Act, 1890 (9 of 1890), the Central Government hereby makes the following amendments in the notification, of the Government of India in the Ministry of Railways (Railway Board) No. 75/M(N)951/69, dated the 12th September, 1975, namely:—

In the said notification, under the heading “A. Broad Gauge Wagons”, in item “1. Extent of overloading permitted”, for sub-item (3) and the Note thereunder, the following sub-item and Note shall be substituted, namely:—

“(3) BOX, BOI, BRS, BRH, BCX, BOBX and BOBS wagons may be overloaded to the extent that the total weight of the consignment including the loading tolerance, does not exceed marked carrying capacity plus 2 tonnes.

Note: “No overloading is permitted in the case of tank wagons.”

[No. 75/M (N)/951/69]

A. L. GUPTA, Secy. and ex. officio Jt. Secy.

अम मंत्रालय

आदेश

नई दिल्ली, 10 नवम्बर, 1975

का०प्रा० 477.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में भारतीय स्टेट बैंक से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री एच० आर० सोही होंगे जिनका मुख्यालय खण्डीगढ़ में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या भारतीय स्टेट बैंक, क्षेत्र 1, नई दिल्ली के प्रबंधन की, श्री नन्द किशोर शर्मा, भूतपूर्व अस्थायी कर्मचारी को स्थायी सेवा में आमेहित न करने की कार्यवाही न्यायोचित है? यदि नहीं, तो उक्त कर्मकार किस अनुसोप का हकदार है?

[सं०एल-12012/124/75-डी०II/ए]

MINISTRY OF LABOUR
ORDER

New Delhi, the 10th November, 1975

S.O. 477.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the State Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri H. R. Sodhi shall be the Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the management of the State Bank of India, Region IV, New Delhi, in denying Shri Nand Kishore Sharma, ex-temporary employee, absorption in permanent service is justified? If not, to what relief is the said workman entitled?

[No. L. 12012/124/75/DII/A]

गुच्छिपत्र

नई दिल्ली, 13 नवम्बर, 1975

का०प्रा० 478—सं० का० प्रा० 2858 के अधीन भारत के राजपत्र, भाग 2, खण्ड 3(ii) तारीख 30 अगस्त, 1975 के पृष्ठ 3177 पर प्रकाशित अम मंत्रालय के आदेश सं० एल० 12012/8/75/डी 2/ए की अनुसूची में, "20 मिनट" के स्थान पर "30 मिनट" पढ़ें।

[सं० एल-12011/8/75/डी 2/ए]

CORRIGENDUM

New Delhi, the 13th November, 1975

S.O. 478.—In the Schedule to Ministry of Labour Order No. L. 12012/8/75/DII/A, dated the 25th July, 1975, published on page 3177, Part II, Section 3(ii) of the Gazette of India, dated the 30th August, 1975, under Number S.O. 2858, for "20 minutes," read "30 minutes".

[No. L. 12011/8/75/DII/A]

आदेश

नई दिल्ली, 14 नवम्बर, 1975

का०प्रा० 479—इससे उपाबद्ध अनुसूची में विनिर्दिष्ट औद्योगिक विवाद अधिकरण, (सं० 1), धनबाद के समक्ष लम्बित है ;

और पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 1) धनबाद का पद रिक्त पड़ा हुआ है ;

और न्याय के उद्देश्य से तथा इस उद्देश्य से कि पक्षकारों को असुविधा न हो, केन्द्रीय सरकार यह बांछनीय समझती है कि उक्त विवाद का और विलम्ब किए बिना निपटारा किया जाना चाहिए ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33ख की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 1) धनबाद के समक्ष लम्बित उक्त विवाद के सम्बन्ध में कार्यवाहियों को वापस लेती है, और उन्हें, निपटारे के लिए, उक्त अधिनियम की धारा 7क के अधीन गठित, केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 2), धनबाद को अन्तर्गत करती है, और निर्देश देती है कि उक्त अधिकरण उक्त कार्यवाहियों के बारे में उस प्रक्रम से आगे कार्यवाही करेगा, जिस पर वे उसे अन्तर्गत की गई हों और विधि के अनुसार उनका निपटारा करेगा।

अनुसूची

क्रम	अधिसूचना संख्या और तारीख	पक्षकारों के नाम संख्या
1.	एल० 17012/23/72/एल आर I, तारीख 30 जनवरी, 1974	वि न्यू इण्डिया एयरोरेस कम्पनी, जमशेदपुर और उसके कर्मकार।

[सं० एल० 17012/23/72 एल आर I]

ORDER

New Delhi, the 14th November, 1975

S.O. 479.—Whereas the Industrial dispute specified in the Schedule hereto annexed is pending before the Industrial Tribunal, (No. 1), Dhanbad;

And Whereas, the post of the Presiding Officer, Central Government Industrial Tribunal (No. 1), Dhanbad is lying vacant;

And whereas, for the ends of justice and to avoid inconvenience to the parties, the Central Government considers it desirable that the said dispute should be disposed of without further delay;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby withdraws the proceedings in relation to the said dispute pending

before the Industrial Tribunal (No. 1), Dhanbad, and transfers he same to the Central Government Industrial Tribunal (No. 2), Dhanbad constituted under section 7A of the said Act, for the disposal of the said proceedings and directs that the said Tribunal shall proceed with the said proceeding from the stage at which it is transferred to it and dispose of the same according to law.

SCHEDULE

Sl. NO.	Notification No. and date	Name of the parties
1.	L. 17012/23/72/LR. I, dated the 30th January, 1974.	The New India Assurance Company Jamshedpur and their workmen.

[No. L. 17012/23/72/LR I]

प्रादेश

नई दिल्ली, 25 नवम्बर, 1975

क्रा० प्रा० 480.—केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में भारतीय स्टेट बैंक से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री एच. आर० सोरी होंगे जिसका मुख्यालय जण्डीगढ़ में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या भारतीय स्टेट बैंक, अम्बाला कैंट की श्री आर० एन० दास, लिपिक से राहत के लिए स्थानापन्न रूप में कार्य करने की उसकी शक्तियों को 4 मार्च, 1975 से वापस लेने की कार्यवाही न्यायोचित है ? यदि नहीं, तो उक्त कर्मकार किस अनुसूची का हकदार है ?

[सं० एल-12012/3/75-डी-2/ए]

आर० कुन्जिकापदम, अवर सचिव

ORDER

New Delhi, the 25th November, 1975

S.O. 480.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the State Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri H. R. Sodhi, shall be the Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the State Bank of India, Ambala Cantt in withdrawing Relief officiating powers of Shri R. N. Dass, clerk, with effect from the 4th March 1975 is legal and justified ? If not, to what relief is the said workman entitled ?

[No. L. 12012/95/75/DIL/A]

New Delhi, the 14th January, 1976

S.O. 481.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the State Bank of India Staff Training College Hyderabad and their workmen, which was received by the Central Government on the 8th January, 1976.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT :

Sri I. Narasing Rao, M.A., LL.B., Industrial Tribunal, Hyderabad.

Industrial Dispute No. 3 of 1975

BETWEEN

Workmen of State Bank of India Staff Training College, Hyderabad.

AND

The Management of State Bank of India Staff Training College, Hyderabad.

APPEARANCES :

Sri K. Narsimham, Advocate—for Workmen.

Sri K. Srinivasa Murthy, Advocate—for Management.

AWARD

The Government of India in Ministry of Labour through Notification No. L. 12012/119/71/LR/III dated 18th January 1975 referred the Industrial Dispute between the Employers in relation to the State Bank of India Staff Training College, Hyderabad and their Workmen under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 (which would hereinafter be called the Act) for adjudication by the Tribunal on the following issue :

"Whether the action of the management of State Bank of India Staff Training College, Hyderabad in dismissing from their services Shri M. Baga Reddy, Farrash-cum-Sweeper with effect from the 28th January, 1970 was justified ? If not, to what relief is he entitled ?"

2. The reference was registered as Industrial Dispute No. 3 of 1975 and notices were directed to the workman concerned and his employer. The Joint Secretary of the State Bank of India Staff Union, Andhra Pradesh filed a claims statement on behalf of the workman. It is alleged that on 17-4-1969 the Management of the State Bank of India served a charge sheet on the workman on 17-4-1969 alleging a gross misconduct committed by him on 6th February, 1969 on the basis of a complaint given by Mrs. Chida, wife of the Liaison Officer. The misconduct is said to have been committed at the residence of Mr. Chida. It is averred that the workman concerned was not on duty at the house of the said Liaison Officer on that date. The workman is said to have witnessed a serious domestic quarrel between Mrs. Chida and her mother-in-law. Therefore, Mrs. Chida with a view to make the workman a scape-goat gave a false report to the effect that the workman put his hand on her back when she was in her kitchen. The workman denied the charge. The Principal of the Staff Training College appointed the Deputy Secretary and the Treasurer of the Hyderabad Circle Office as the Enquiry Officer to hold a domestic enquiry into the alleged misconduct of the workman. In the domestic enquiry the workman is said to have been refused permission to be represented by a Lawyer. It is however admitted that he was permitted to be defended by P. V. Raju the General Secretary of the Staff Union, A.P., Vijayawada. On one occasion the enquiry had to be adjourned on account of the disturbed condition in the city of Hyderabad. On 6-10-1969 Sri Raju fell sick and sent telegram on the basis of which the workman filed a petition seeking adjournment but the Enquiry Officer refused to adjourn and examined Mr. Chida and two others were examined ex-parte. The Enquiry Officer thus submitted his report to the Principal with a finding that the workman was guilty of the charge. The Principal agreeing with this findings called upon the workman to show cause as to why he should not be dismissed. The workman is said to have submitted his interim explanation on 7-1-1970 and sought for an opportunity to submit a full and detailed explanation. But the Principal by his letter dated 28-1-1970

issued the proceedings dismissing the workman. The Appeal preferred to the Appellate Authority is also said to have been rejected. This reference has thus come to be made through the Regional Labour Commissioner (Central) consequent to the failure of the conciliation. It is contended that the ex-parte enquiry is vitiated being violative of principles of natural justice. Since the workman comes under the purview of Central Office the appropriate authority to give permission to engage a lawyer is said to be Central Office but the Principal himself disposed off the petition of the workman rejecting the said permission. The refusal of the adjournment and the ex-parte enquiry conducted by the Enquiry Officer is said to amount to a bias in Enquiry Officer and that the said enquiry was held without giving reasonable opportunity to the workman. The enquiry, therefore, is said to be illegal and unjust and contrary to the provisions of the Shastry Award. It is also contended that the appointment of an Enquiry Officer ought to be made by a notification under Para 521(12) of the Shastry Award by the Central Office. But the appointment of the Enquiry Officer in the instant case by the Principal of the Staff Training College is said to be contrary to the provisions of the Shastry Award. That apart, the kitchen of the residential quarters of Mr. Chida where the alleged incident is said to have taken place is said to be not the premises of the Bank and therefore it is not a misconduct within the premises of the Bank as laid down under Para 521(4)(c) of the Shastry Award. It is also contended that the action ought to have been taken strictly in accordance with Para 52(12) and (3) of the Shastry Award as it falls within the category of Offence as laid on para 521 of the Shastry's Award. It is also contended that the finding of the Enquiry Officer is based on hearsay evidence in as much as the complainant was not examined in the domestic enquiry and that the statement of the complainant ought not to have been taken into consideration by the Enquiry Officer. Thus the order of dismissal is said to be opposed to all canons of justice and the provisions of the Shastry Award. It is also alleged that the workman is poor with a large family to maintain and is not employed elsewhere. He thus prayed for reinstatement with full back wages.

3. The Management in its counter alleged that the workman in his capacity as Farrash-cum-Sweeper has to necessarily visit the hostel rooms and other residential quarters of the staff attached to the College Campus. Thus on 6-2-1969 he went to the residential quarters of Mr. Chida an officer working in the college, at about 11-00 a.m., unauthorisedly entered the kitchen and placed his hand on the back of Mrs. Chida who was working in the kitchen. Thus on a complaint by Mrs. Chida a charge sheet was issued to the workman on 17-4-1969. As the explanation was not satisfactory a domestic enquiry was instituted and Mr. B. K. Mukherjee, Deputy Secretary of the State Bank of India of Hyderabad Circle was appointed as an Enquiry Officer. It is admitted that the workman asked for an assistance of a lawyer at the domestic enquiry but it was refused as there was no provision for granting such a request. It is however, alleged that he was given the assistance of General Secretary. But the workman had been adopting dilatory tactics in not attending to the enquiry. On 28-7-1969 the workman did not attend the enquiry but sent a letter through Mr. P. V. Raju contending that only the Central Office of the bank was competent to refuse his request for the assistance of a lawyer. Though this request was said to be frivolous the case was adjourned to 25th September, 1969. It is, further, contended that on more than one occasion the workman was seeking adjournment on one pretext or the other but such adjournments were being granted and the enquiry was adjourned to 6th October, 1969, with a specific direction that no further adjournment would be granted. On 6th October, 1969 the Joint Secretary approached the Enquiry Officer with a letter seeking a further adjournment on the ground that the Union Secretary is not well. The Enquiry Officer informed the Joint Secretary that no adjournment could be given and asked him to produce the workman so that the enquiry could go on. The Joint Secretary refused to permit the workman to participate in the enquiry. Since the workman is said to be adopting dilatory methods the Enquiry Officer had to proceed ex-parte. Even though the workman was given full opportunity to defend himself he did not avail of the same. Thus the contention that the domestic enquiry was violative of principles of natural justice is refuted. The findings of the Enquiry Officer are said to be based on evidence. It is also contended that the enquiry was conducted in accordance with the Shastry Award, and according to the procedure normally followed by the Bank. It is reiterated that the employee has no right to be represented by a lawyer in the domestic enquiry. If one representative is absent on account of illness

the workman could choose another office bearer to represent him. The examination of the complaint in the domestic enquiry, it is contended, was not necessary as the other evidence established the alleged misconduct against the workman. It is contended that the incident took place in the premises of the Bank and that the appointment of the enquiry officer was also legal and valid. The notification appointing the Enquiry Officer is also said to be legal and in no way a violation of the Shastry Award. It is also contended that the punishment of dismissal imposed was commensurate with the misconduct committed by the workman and that there are no grounds for imposing any lesser punishment. The rejection of the reference was thus sought.

4. The workman examined himself as W.W. 1 in oral evidence and relied upon Exs. W. 1 to W. 3 by way of documentary evidence. The Enquiry Officer is examined as M.W. 1 and the Administrative Officer of the Staff Training College at Hyderabad is examined as M.W. 2 in oral evidence and Exs. M. 1 to M. 8 are relied upon by way of documentary evidence, in rebuttal.

5. Before adverting to the respective contentions raised by the parties it is necessary to state a few facts. The misconduct alleged to have been committed by the workman was at the house of Mr. Chida within the premises of the Training College on 6-2-1969. The misconduct alleged is that he entered into the kitchen of Mrs. Chida and while she was engaged in cooking with her back to the door he went behind her and placed his hand on her back in an alleged attempt to molest her. On 7th February, 1969 Mrs. Chida gave a complaint to the Principal of the Staff Training College. The workman was called upon to give his explanation under letter Ex. M. 7 dated the 11th April, 1969. The explanation given by the workman was found to be unsatisfactory by the Principal who instituted a domestic enquiry. M.W. 1 was appointed as the Enquiry Officer, after framing a charge on 17-4-1969. The enquiry was commenced from 12-6-1969 onwards. The workman submitted his reply to the charge sheet on 28th July, 1969 as per Ex. M. 1. Meanwhile he submitted an application to the Chairman of the Bank through the Principal for permission to defend himself by a lawyer. Against the issue of the charge sheet itself he preferred an appeal to the Appellate Authority on 22-9-1969 contending that as the alleged misconduct was not committed on the Bank's premises the charge sheet ought to have been withdrawn. Ex. M. 5 is that Memorandum of appeal signed by the workman. In response to a letter dated 28-7-1969 addressed to the Chairman, the Principal informed the workman that he was the duly constituted disciplinary authority and that the competence of the said authority or the rejection of the permission to engage a lawyer cannot be questioned. He was however permitted the assistance of a Union representative during the enquiry proceedings. The enquiry was adjourned from 12-6-1969 on account of disturbances in the city intimating that the next date of enquiry would be intimated in due course. Thus the enquiry was taken up on 1-7-1969, intimation of which was duly given to the workman. On a petition filed by the workman on the ground that he was ill, the enquiry was adjourned to 28-7-1969. It was specifically mentioned that in case the workman fails to attend the enquiry the proceedings would continue ex-parte. On 23-7-1969 itself the workman filed a petition to postpone the enquiry so as to enable him to obtain a reply from the Chairman seeking permission to be defended by a lawyer. Thus on his request it was adjourned to 25-9-1969. It was again specifically stated that in case of his failure to attend on the said date the proceedings would continue ex-parte. On 22-9-1969 as per Ex. W. 1 he filed a petition for postponement of the enquiry on the ground that his petition addressed to the Bank Central Office for permission to be defended by a lawyer is pending and that the appeal against the decision of the Appellate Authority to proceed with the charge sheet is also pending. To this the Enquiry Officer replied on 25th September, 1969 adjourning the case to 6th October, 1969 that his representation has been already dealt with by the disciplinary authority and that the workman need not wait for any further communication in this behalf and that the workman would be at liberty to approach the Appellate Authority after the disciplinary authority issues final orders with regards to the enquiry. It is also stated that this was the final postponement and that no further adjournment would be granted under any circumstances. It is also the case of the workman that one Mr. Raju was assisting him in the enquiry till that stage. On 6-10-1969 the said representative Mr. Raju is said to have sent a telegram to him that he was unwell. Enclosing that telegram the workman made a petition to the Enquiry

Officer for adjournment. The workman is then said to have been accompanied by the Joint Secretary. The Enquiry Officer while rejecting the request for adjournment is said to have asked the workman to have the assistance of the Joint Secretary and proceed with the enquiry. But the joint Secretary pulled the workman away from the enquiry premises and took him away, saying that he (workman) would not attend the enquiry. The evidence of the Enquiry Officer M.W. 1 is that as the workman was not allowed by the Joint Secretary to participate in the proceedings and that as he had given sufficient adjournments, he proceeded ex-parte and recorded the evidence of three witnesses produced by the Management. That evidence is said to have established the charge and as per his findings the disciplinary authority has come to pass the order of dismissal against the workman.

6. Though it was the stand of the workman in his explanation and during the enquiry that the alleged misconduct did not take place on the banks premises, that contention is now given up. Similarly though it was his contention at that stage that the Principal of the Training College is not duly constituted as the disciplinary authority and that the Bank alone is the competent authority to issue the charge sheet to him, that stand is also given up. As per Shastri's Award para 521(12) it is laid down that the Bank should decide which officer shall be empowered to take disciplinary action in case of each office or establishment and that it should also make provision for appeal against orders passed in disciplinary matters. Pursuant to this Rule the Chairman of the Bank has issued Ex. M. 6 notification constituting Sri A. H. Elias, Principal of the Training College, Hyderabad as the competent authority to take disciplinary action. Similarly the Appellate Authority is also specified therein. Though it was the stand of the workman that he was not aware of this notification, his very appeal dated 22-9-1969 addressed to Sri S. D. Verma as the appellate authority falsifies that stand. Under the above notification Ex. M. 6 dated 3rd April, 1969 Sri S. D. Verma was notified as the Appellate Authority. It is also the evidence of M.W. 2 that the disciplinary authorities are constituted from time to time and whenever there is change of the incumbent a fresh notice or notification is issued to that effect. Thus the constitution of Mr. Elias the Principal of the Training College who issued the charge sheet in the instant case as the disciplinary authority is in conformity with the above provisions of the award, and of this the workman had the knowledge. This aspect need not detain me further as this question was not raised at the stage of arguments.

7. The learned counsel for the workman raised the following contentions.

1. The refusal of the request of the workman for being defended by a lawyer was rejected by the disciplinary authority who was not competent to do so.
2. When that question was pending with the Bank which means the Central Office of the Bank, the Enquiry Officer unduly hastened the enquiry and the refusal of the adjournment on 6-10-1969 was improper.

For the above two reasons the workman is said to have been deprived of the reasonable opportunity to defend himself properly. There is thus said to be a violation of principles of natural justice. The other contention advanced on the merits is that the complainant viz., Mrs. Chida was not examined at all at the enquiry and that the findings of the Enquiry Officer based on circumstantial evidence does not prove the misconduct even prima facie. It was on the other hand contended by the Management that the disciplinary authority and even the Chairman of the Central Office rejected the permission to the workman to be defended by a lawyer and that the assistance of a lawyer cannot be as of right and that since the workman was dragging the proceedings on one pretext or the other the Enquiry Officer had no other alternative but to proceed ex-parte. On merits it was contended that it is not necessary in every case that the complainant should be examined, that the evidence of the two witnesses i.e. Dhobi and the other Cleaner present in that house and who immediately rushed to the scene and to whom Mrs. Chida made statement on their enquiry, is a sufficient proof of the alleged misconduct. Similarly the evidence of Mr. Chida to whom Mrs. Chida made statement about the incident immediately thereafter is also said to corroborate the above circumstantial evidence. It was thus contended that the findings of the Enquiry Officer was based on tangible evidence. It was alternatively contended that if for any reason

the evidence let in before the Enquiry Officer is found inadequate to prove a grave charge like this the Management should be given an opportunity to lead evidence afresh before it in support of the alleged misconduct. I would advert to the above contentions in the same order.

8. It is common case that the workman was afforded the assistance of Mr. Raju representative of the Union during the enquiry proceedings. This is not a matter of dispute but what the workman contends is that he applied for permission of the Chairman to be defended by a lawyer, but that request was turned down by the disciplinary authority itself. The question is whether he is entitled to the assistance of a lawyer and if so whether it was improperly rejected. Para 512(10)(a) lays down that the employee shall be permitted to be defended by a representative of the Registered Union of the Bank Employees or with the Banks permission, by a lawyer. From the wording of this provision it cannot be said that the employee is entitled to be defended by a lawyer as a matter of right. That his request has been refused and that it was also stood communicated to him is borne out by Ex. M. 4 dated 24th August, 1969. It is relevant to note that the workman has not chosen to file any copy of his application addressed to the Chairman with regard to this permission. This aspect is relevant in the context that his stand was that the charge sheet itself was bad on the ground that the alleged misconduct did not take place on the banks premises. He thus sought withdrawal of the charge sheet by the disciplinary authority itself. When the disciplinary authority refused to withdraw the charge sheet he preferred an appeal against it on 22-9-1969. This is borne out by Ex. M. 5. In this Appeal petition the rejection of the permission by the Disciplinary Authority was not even challenged. If according to the workman the rejection of the permission was by the disciplinary authority itself, there is no reason why such a rejection should not have been made a ground of attack in the appeal. It can be noted that even the request for withdrawal of the charge sheet is only an interim matter touching the disciplinary action. If the workman felt that all matters or interim orders pertaining to disciplinary action are open to appeal there is no reason as to why he should not have preferred an appeal against the refusal of the permission, if it was by the Disciplinary Authority itself. In Ex. M. 4 dated 27-8-1969, a letter addressed to the workman by the Principal (the Disciplinary Authority) it is recited that the Principal is directed to inform him with reference to the letter addressed to the Chairman that the Principal is appointed and empowered to take disciplinary action. In Para 3 of this letter it is also noted that the contention of the workman questioning the competence of the authority in refusing his request is baseless. Though the recitals of this letter are not clear to the effect that the permission to engage a lawyer is refused by the Chairman, yet the fact that the workman did not prefer an appeal admittedly against the refusal of the permission by the Disciplinary Authority to the Appellate Authority goes a long way in establishing that the direction of the refusal communicated by the Principal was from the Chairman. Even in his petition for adjournment dated 22-9-1969 Ex. W. 1, all that is alleged is that he addressed a letter to the Central Office, Bombay seeking permission to be defended by a lawyer. From the recitals of Ex. M. 4 it would also transpire that as early as 24th July, 1969 itself the workman was informed through communication No. 01660 that the Principal Mr. Elias was the Disciplinary Authority. As noted above, the recitals of Ex. M. 4, though not clear, would suggest that the refusal of permission to engage a lawyer also stood communicated even earlier. Even otherwise if the Principal was the Disciplinary Authority, it can as well be said that he is equally the authority to permit or refuse the assistance of a lawyer to the employee. It is true that the Bank's permission is required for the employee being defended by a lawyer. But when the Bank or its Chairman is competent under para 521(12) of the Shastri Award to nominate a person as the Disciplinary Authority it is legitimate to infer that the same authority is given the power either to permit or refuse the assistance of a lawyer to the delinquent employee. In the instant case assuming that as per the tenor of Ex. M. 4 the Principal himself rejected the permission to engage a lawyer, the remedy which the aggrieved workman ought to have had was by way of an appeal but it is his own case that he simply preferred a petition to the Central Office of Bombay. Thus the pendency of such a petition which is not in conformity with the provisions of the Shastri Award cannot constitute a valid ground for seeking adjournments or to say that he would be entitled to the assistance of a lawyer. Sri Srinivasamurthy the learned counsel for the management rightly contends that since the assistance of a lawyer cannot be had as a matter of right,

the rejection of the request either by the Disciplinary Authority or as can equally be spelt from the tenor of Ex. M. 4 by the Chairman, can not be said to prejudice the workman. In this view it is contended that there is no violation of the principles of natural justice and much less the provisions of the Shastri Award. He also relied upon a ruling of the Supreme Court reported in *Brook Bond India Ltd. v. Subba Raman* [1961 (11) LLJ, page 417]. It is held therein :

"A workman against whom an inquiry is being held by the management has no right to be represented at such enquiry by a representative of his union, though the employer in his discretion can and may allow him to be so represented and it cannot be said that in any enquiry against a workman natural justice demands that he should be represented by a representative of his union."

Following this it must be held that refusal by the enquiring officer to the workman being represented at the domestic enquiry by a lawyer or by an outsider would not vitiate the enquiry. If the workman withdrew from the domestic enquiry on such refusal, the decision of the enquiring officer as a result of the ex-parte enquiry finding the concerned workmen guilty of the charges levelled against them would not be invalid."

Even otherwise having regard to the questions of fact which have to be elicited at a domestic enquiry the assistance of a lawyer does not appear necessary. The refusal of permission by whatever authority, it cannot be said to have deprived the workman the reasonable opportunity to defend himself particularly so when admittedly he was given the assistance of Mr. Raju the General Secretary of the State Bank of India staff union.

9. It can be seen that from 1-7-1969 the Enquiry Officer adjourned the hearing at the request of the workman. In the first instance on account of the illness of the workman the case was adjourned to 28-7-1969. Again it was adjourned to 25-9-1969. It can be repeated that the adjournment of the case from 25-9-1969 is said to have been done as a matter of grace, though there were no substantial grounds for adjourning. This adjournment was granted on account of petition of the workman dated 22-9-1969 as per Ex. W. 1. The grounds alleged are that the petition for permission to engage a lawyer is pending with the Central Office of the Bank at Bombay and that the appeal against the decision of the Disciplinary Authority with regard to the non-withdrawal of the charge sheet is also pending. The Enquiry Officer in reply to this letter informed the workman that his representation was already dealt with by the Disciplinary Authority and that no further communication be awaited by the workman. He however stated that there was no ground for adjourning the enquiry and that he can carry the matter to the Appellate Authority after the Disciplinary Authority passes the final orders in the matter. On 6-10-1969, admittedly the workman along with the Joint Secretary came to the enquiry spot. On the ground of illness of Mr. Raju the representative already assisting the workman, they sought an adjournment. In view of the repeated adjournments already granted the Enquiry Officer did not consider it necessary or expedient to further adjourn the enquiry. He insisted upon the workman to proceed with the enquiry taking the assistance of the Joint Secretary. Even according to the workman he was pulled away from that place by the Joint Secretary stating that he would not attend the enquiry at all. It can be noted that on the two dates of previous hearings the Enquiry Officer explicitly made it clear that no further adjournment would be given and that if the workman fails to attend the enquiry, it will be proceeded ex-parte. If the Joint Secretary who was accompanying the workman had really any intention to protect the interests of the workman, he would have sought for a few hours time to get himself ready and would have proceeded with the enquiry. From the manner of walking out of the enquiry by the workman or at the instance of his representative, it cannot be said that the ex-parte enquiry that proceeded is violative of principles of natural justice. It would on the other hand appear that from the very inception the workman or his representative was trying to drag the enquiry on one pretext or the other. In the circumstances, the evidence of M.W. 1 that for the above reasons he has to proceed ex-parte appears to me convincing. As against that back ground it is not certainly open to the workman to contend that the ex-parte enquiry which was made conse-

quent to the refusal of adjournment, was unreasonable. The above ruling of the Supreme Court also lays down the same proposition. Thus to sum up on the two grounds which are alleged to have resulted in prejudice to the workman, the enquiry cannot be said to be vitiated. There was no undue haste on the part of the Enquiry Officer to proceed with the enquiry. The ground of the pending request for the assistance of a lawyer with the Central office is neither a valid ground nor a good ground for seeking adjournment. The refusal of the adjournment on 6-10-1969 by the Enquiry Officer cannot equally be said to be an unreasonable one. If the workman allowed the proceedings to continue ex-parte, it was of his own making and choice. In this view of the matter the domestic enquiry held against the workman can be said to be fair and reasonable and in no way vitiated.

10. In a dispute raised by a workman touching his dismissal where a domestic enquiry is held, the Tribunal has to find in the first instance whether the enquiry was proper and fair. If it is held that the enquiry was fair and proper, the second question that falls for consideration is whether the evidence led in the domestic enquiry establishes the misconduct. If on the other hand the domestic enquiry is held vitiated for any reason the employer is to be called upon to lead evidence afresh before the Tribunal and thus justify the order of dismissal. In the preceding para it is held that the domestic enquiry was fair and proper. Thus the other question to be answered is whether there is proof prima facie of the alleged misconduct. It can be noted at this stage that if one evidence let in before the domestic enquiry, the alleged misconduct is held to be not proved the employer who has now made a request to that effect is to be called upon to lead evidence afresh in support of the charge. It is, therefore, now to be seen whether the evidence of the witnesses examined before the Enquiry Officer proved the misconduct or not.

11. In the domestic enquiry three witnesses have been examined in support of the alleged misconduct. Witness No. 1 was the Dhobi who went to Mr. Chida's house to collect the soiled clothes. By that time witness No. 2 Syed Hafiz, Farrash-cum-Sweeper was already in that house from 11-00 A.M. cleaning the floor in the dining room. When the first witness went there, the second witness along with him went upstairs to give the soiled clothes. It is their version that before they went upstairs they found the charge sheeted workman talking to S. Chida's mother who was then sitting outside. When they were at the upstairs witness No. 2 heard Mrs. Chida shouting to somebody. The first man to come down from the upstairs was the first witness. When he came down he found Mrs. Chida telephoning and crying. A little later witness No. 2 also came down from the upstairs closing the door. He also found Mrs. Chida trying to ring up Mr. Chida. On their enquiry Mrs. Chida stated to them that Baga Reddy put his hand on her back and that she must report the incident as it was beyond her to endure. The third witness examined was Mrs. Chida who deposed to the statement made by Mrs. Chida touching the misconduct of the workman. It is true that the domestic enquiry was an ex-parte one and the charge sheeted workman had no opportunity to cross examine in particular the two witnesses viz., Dhobi and Farrash-cum-Sweeper to whom Mrs. Chida made statement immediately about the misconduct of the workman and who also found her in an agitated state, crying and trying to get into touch on phone with Mr. Chida. It is not the evidence of the workman before the Tribunal that those two witnesses had any grouse against him so as to remotely infer that they deposed in the enquiry out of an oblique motive. Even with regard to Mr. Chida the workman in his explanation would state that the former was treating him with fatherly affection. If that was so, even Mr. Chida had no grouse against the workman to grind his axe against him. The immediate circumstantial evidence of the two witnesses viz., Dhobi and Farrash-cum-Sweeper being unassailable would also establish the misconduct, though they are not eye witnesses to the incident. It is true that the examination of Mrs. Chida, the only direct witness would have been more clinching, but her non-examination is not at all fatal. If the explanation put by the workman is also tested on the touch stone of probability, it could be said that it lacks substance. His version is that on account of his witnessing a quarrel between Mrs. Chida and her mother-in-law, this false charge had been levelled against him by Mrs. Chida. It is his very admission before the Tribunal that he has been witnessing the quarrel between the mother-in-law and the daughter-in-law occasionally during one and half years. It is also his further admission that Mrs. Chida had no other ground or

grudge against him and that there was never a quarrel between him and Mrs. Chida. If the workman had already witnessed those quarrels assuming that they did take place, there is no reason as to why Mrs. Chida should take exception on this occasion when the workman is said to have seen the quarrel, which could only be a normal feature. Thus in the absence of any grouse for the two witnesses to depose and in the absence of any grudge or grouse either for Mrs. Chida or for Mr. Chida the happening of the incident is rendered highly probable. At any rate the evidence cannot be brushed aside. Thus judged in the light of his own evidence and on the touch stone of probabilities, the incident does not appear to be a foisted one. No woman of reputation would risk such allegation, that too against a mental servant, in the absence of any cogent or convincing circumstances. It is, however, alleged by the management that the family of Mrs. Chida is now away from Hyderabad and that Mr. Chida is working elsewhere and that the production of the said witness is not free from difficulty. Be that whatever it may. The non-examination of the complainant, it was contended, is not at all fatal. Reliance is sought to be placed by the management on the facts of a ruling of Supreme Court reported in the *East India Hotels v. their workmen* (1974 (I) LLJ, page 282) where the complainant was also not examined. Even in the absence of the examination of the complainant it can only be said that the evidence let in before the Enquiry Officer certainly makes out a prima facie case. As noted above it is not the version of the workman before the Tribunal that the two version examined in the domestic enquiry were equally inimical to him so as to say that they gave false evidence against him. In the evidence of such a bare allegation even I have no hesitation in my mind in holding that the finding of the Enquiry Officer is based on some legal evidence. That finding cannot be said to be a perverse one. In this context the scope of interference by the Tribunal when a workman has been dismissed after domestic enquiry can be considered. It is held in *[Hendricks & Sons v. Industrial Tribunal & Others]* [1960 (II) LLJ, page 484] by the High Court of Andhra Pradesh.

"The Industrial Tribunal in dealing with the dispute should not constitute itself as an Appellate Authority over the decision of the management and ought not to interfere with the decision of the management merely because it takes a different view on the evidence and on the facts and circumstances of the case, the degree of proof required being only a prima facie case and not a case proved to be hilt. The test is whether it was possible to arrive at the conclusion reached by the management on the evidence. Unless the requirements specified above are shown to exist and have actually been found by the Industrial Tribunal to have been established, the Tribunal would not be justified in law in interfering with the decision of the Management and substituting its own decision in its place".

Having regard to this scope of interference by the Tribunal and also in view of the fact that the finding was arrived at by the Enquiry Officer on some material and which finding cannot be said to be perverse, the dismissal order based upon it can only be said to be valid. The nature of misconduct is certainly a grave one but for that reason it is not necessary for the Tribunal to embark again upon an enquiry by calling upon the Management to tender the evidence of Mrs. Chida when the said misconduct has been prima facie proved at the enquiry. It may also be noted that this is not a case which warrants any lesser punishment. It is also the evidence of the workman that he is employed elsewhere. For all these reasons I am not inclined to interfere with the dismissal order. The workman is, therefore, not entitled to any relief.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 15th day of December, 1975.

APPENDIX OF EVIDENCE

Witnesses examined for workman.

W.W. 1 M. Baga Reddy.

W.W. 2 Sri M. Baga Reddy.

Recalled and Resworn.

Witnesses examined for Management.

M.W. 1 Shri Bhupendra Kumar Mukerjee.

M.W. 2 Sri N.V. Naidu.

Documents Exhibited for workman

Ex. W. 1. Letter of Sri M. Baga Reddy, Farrash-cum-Sweeper, dated 22-9-1969, addressed to Sri B. K. Mukherjee, Enquiry Officer, requesting for postponement of the Enquiry on 25-9-1969.

Ex. W. 2. Letter of the enquiry officer, dated 24-9-1969, addressed to Sri M. Baga Reddy in respect of the enquiry proceedings.

Ex. W. 3. Copy of the explanation of Sri M. Baga Reddy, dated 25-9-1969, addressed to the Deputy Secretary and Treasurer, Enquiry Officer, State Bank of India, L.H.O.

Documents Exhibited for management

Ex. M. 1. Explanation of Sri M. Baga Reddy, dated 28-7-1969 addressed to the Disciplinary Authority, The Principal, Staff Training College (State Bank of India) in respect of the charge sheet dated 17-4-1969.

Ex. M. 2. Enquiry Proceedings into the charges levelled against Sri Baga Reddy, Farrash-cum-Sweeper.

Ex. M. 3. Report of the Enquiry Officer, on the charge framed against Sri Baga Reddy, Farrash-cum-Sweeper, Staff Training College, Hyderabad.

Ex. M. 4. Letter of Principal Staff Training College, (Disciplinary Authority) dated 27-8-1969 addressed to Sri M. Baga Reddy, refusing to give the permission to defend the workman by a lawyer.

Ex. M. 5. Appeal of Sri M. Baga Reddy, dated 22-9-1969, addressed to Sri S. D. Varma, Appellate Authority, State Bank of India, Central Officer, Bombay, with regard to the withdrawal of the charge sheet dated 17-4-1969.

Ex. M. 6. Award of the National Industrial Tribunal (Bank Dispute dated 3-4-1969 in respect of the officials empowered to take disciplinary action.

Ex. M. 7. Memo. dated 11-4-1969, from the Principal, Staff Training College, issued to Sri M. Baga Reddy.

Ex. M. 8. Dismissal Order issued to Sri M. Baga Reddy, dated 28-1-1970 from the Disciplinary Action Authority, Principal, staff Training College, (State Bank of India) Hyderabad.

Sri T. NARASING RAO, M.A., LL.B., Presiding Officer.

[No. L. 12012/119/74/LR III]

R. KUNJITHAPADAM, Under Secy.

प्रतिज्ञा

नई दिल्ली, 13 नवम्बर, 1975

का० आ० 482.—केन्द्रीय सरकार की राय है कि इससे उपाख्य अनुसूची में विनिर्दिष्ट विषय के बारे में हिन्दुस्तान स्टील लि० के राउर-केला स्टील प्लांट, झारखण्ड राउरकेला के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947, (1947 का 14) की धारा 7क और धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री बी० एन० मिश्रा होंगे, जिनका मुख्यालय भुवनेश्वर में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या हिन्दुस्तान स्टील लि० के राउरकेला स्टील प्लांट, डाकघर राउरकेला के प्रबंधक की श्री गोपालप्ल सिन्हा, सहायक भंडारी, बरसुआ लोह अयस्क खान की ड्यूटी की अभिकथित उपेक्षा करने के लिए 1973 में संख्यागत तीन वेतन वृद्धियाँ रोकने की कार्यवाही न्यायोचित थी? यदि नहीं, तो संबंधित कर्मकार किस अनुसूची का हकदार है?

[संख्या एल-26012/13/75-डी० 4 (बी)]

ORDER

New Delhi, the 13th November, 1975

S.O. 482.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Rourkela Steel Plant of Hindustan Steel Limited, Post Office Rourkela and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri B. N. Misra shall be the Presiding Officer, with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Rourkela Steel plant of Hindustan Steel Limited, Post Office Rourkela, in stopping three increments of Shri Gopal Singh, Assistant Store Keeper, Barsua Iron Ore Mines in 1973 with cumulative effect for alleged negligence of duty was justified? If not, to what relief is the concerned workman entitled?"

[No. L-26012/13/75-D-IV(B)]

आदेश

नई दिल्ली, 15 नवम्बर, 1975

का० प्रा० 483.—केन्द्रीय सरकार की राय है कि इससे उपाखण्ड अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स अग्रवाल मिनरल्स (गोवा) प्राइवेट लिमिटेड, मार्गाग्रो, गोवा की पिस्मुल्ले लोह अयस्क खान के प्रबंधक से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की संख्या 7क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, (संख्या 2), मुम्बई को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या मैसर्स अग्रवाल मिनरल्स (गोवा) प्राइवेट लिमिटेड, मार्गाग्रो, गोवा के प्रबंधक की श्री ए० राधाकृष्णन, कम्प्रेसर ऑपरेटर और श्री

नानासाब, सहायक बैगन ड्रिल ऑपरेटर की 7-9-1975 के छंटनी करने की कार्यवाही न्यायोचित थी? यदि नहीं, तो उक्त कर्मकार किस अनुसूची का हकदार है?

[संख्या एल-26012/14/75-डी० 4 (बी)]

सुपेन्द्र नाथ, अनुभाग अधिकारी (विशेष)

ORDER

New Delhi, the 15th November, 1975

S.O. 483.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Pissurlem Iron Ore Mine of Messrs Agrawal Minerals (Goa) Private Limited, Margao-Goa and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 2), Bombay, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Messrs Agrawal Minerals (Goa) Private Limited, Margao-Goa in retrenching Shri A. Radhakrishnan, Compressor Operator and Shri Nana Sab, Assistant Wagon Drill Operator with effect from 7-9-1975 was justified? If not, to what relief are the said workmen entitled?"

[No. L-26012/14/75-D-IV(B)]

BHUPENDRA NATH, Section Officer (Spl.)

आदेश

नई दिल्ली, 15 नवम्बर, 1975

का० प्रा० 484.—इससे उपाखण्ड अनुसूची में विनिर्दिष्ट औद्योगिक विवाद केन्द्रीय सरकार औद्योगिक अधिकरण सं० या 1, धनबाद के समक्ष लम्बित है;

और पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सं० 1, धनबाद का पद खाली पड़ा है;

और न्याय के प्रयोजनों के लिए और पक्षकारों को असुविधा से बचाने के लिए, केन्द्रीय सरकार बांछनीय समझती है कि उक्त विवाद को अविलम्ब निपटाया जाना चाहिए;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33ख की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, औद्योगिक अधिकरण संख्या 1, धनबाद के समक्ष लम्बित उक्त विवाद से सम्बद्ध कार्यवाहियों को वापस लेती है और उन्हें उक्त कार्यवाहियों के निपटान के लिए केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 3, धनबाद को स्थानान्तरित करती है और यह निर्देश देती है कि केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 3, धनबाद उक्त कार्यवाहियों आगे उस प्राक्कम से आरम्भ करेगा जहाँ पर ये उसे स्थानान्तरित की जाएँ और विधि के अनुसार उनका निपटान करेगा।

अनुसूची

क्रमांक	विवाद के पक्षकार	औद्योगिक विवाद की निर्देश संख्या और तारीख
	मैसर्स देहली रोहतास लाइट रेलवे कंपनी लि० का प्रबंधन और उनके धर्मिक।	संख्या एल-41011(1)/75-डी 2 (बी) तारीख 22-2-1975 (भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उपखण्ड (ii), तारीख 22-2-1975 में पृष्ठ 475 पर का० आ० 108 (ई) के रूप में प्रकाशित।

[संख्या एल-41011(1)/75-डी-2(बी)]
हरबंस बहादुर, अनुभाग अधिकारी (विशेष)

ORDER

New Delhi, the 15th November, 1975

S. O. 484.—Whereas the industrial dispute specified in the Schedule hereto annexed is pending before the Central Government Industrial Tribunal No. 1, Dhanbad,

And whereas the post of the Presiding Officer, Central Government Industrial Tribunal No. 1, Dhanbad, is lying vacant;

And whereas for the ends of justice and to avoid inconvenience to the parties, the Central Government considers it desirable that the said dispute should be disposed of without further delay;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby withdraws the proceedings in relation to the said dispute pending before the Central Government Industrial Tribunal No. 1, Dhanbad, and transfers the same to the Central Government Industrial Tribunal, No. 3, Dhanbad for the disposal of the said proceedings and directs that the Central Government Industrial Tribunal No. 3, Dhanbad, shall proceed with the said proceedings from the stage at which these are transferred to it and dispose of the same according to law.

SCHEDULE

Sl. No.	Parties to the dispute	Reference No. and date of industrial dispute
1.	Management of Messers Dehli-Rohtas Light Railway Company Limited and their workmen.	No. L-41011(1)/75-D. 2(B) dated 22-2-1975 Published as S.O. 108 (E) in the Gazette of India (Extraordinary), Part II Section 3, Sub-Section (ii) dated 22-2-1975 at page 475.

[No. L-41011 (1)/75-D.II(B)]

आदेश

का० आ० 485.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में भारतीय खाद्य निगम के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद भी न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की

धारा 7क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, दिल्ली को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

या क्षेत्रीय प्रबन्धक (उत्तरी), भारतीय खाद्य निगम, नई दिल्ली को श्री आन चन्द गुलाटी, संदेशवाहक (मैसेन्जर), को 20-6-1975 (अपराह्न) से सेवान्तर्य करने की कार्रवाई न्यायोचित है? यदि नहीं, तो कर्मचार किस अनुसूची का हकदार है?

[सं० एल 42012/21/75 डी 2(बी)]

ORDER

S.O. 485.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of the Food Corporation of India and their workman in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the Zonal Manager (North). Food Corporation of India, New Delhi, in terminating the service of Shri Gian Chand Gulati, Messenger, with effect from 20-6-75 (afternoon) is justified? If not, to what relief is the workman entitled?"

[No. L. 42012/21/75/DIIB]

आदेश

नई दिल्ली, 17 नवम्बर, 1975

का० आ० 486.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स फतवाह-इस्लामपुर लाईट रेलवे कंपनी लि० के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 1, धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

या मैसर्स फतवाह-इस्लामपुर लाईट रेलवे कंपनी लि० के प्रबंधन से संबंधी ए०के० वर्मा और खुर्शीद आलम को 1-7-1975 से सेवा से निवृत्त करने की कार्रवाई न्यायोचित है? यदि नहीं, तो ये कर्मचार किस अनुसूची के हकदार हैं?

[संख्या एल 41011/3/75-डी-2 (बी)]

हरबंस बहादुर, अनुभाग अधिकारी (विशेष)

ORDER

New Delhi, the 17th November, 1975

S.O. 486.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Futwah-Islampur Light Railway Company Limited and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal No. 1, Dhanbad constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Messrs Futwah-Islampur Light Railway Company Limited in suspending Sarvashri A. K. Verma and Khurshid Alam from service with effect from 1-7-1975, is justified? If not, to what relief are these workmen entitled?"

[No. L-41011(3)/75-D. II (B)]

HARBANS BAHADUR, Section Officer (Spl.)

आदेश

नई दिल्ली, 21 नवम्बर, 1975

का.प्र. 487.—केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मिसर्स डुनेजवुड एण्ड स्क्रैप डीलर्स एसोसिएशन, कलकत्ता के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7 के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्दिष्ट करती है।

अनुसूची

मिसर्स डुनेजवुड और स्क्रैप डीलर्स एसोसिएशन, कलकत्ता के प्रबंधन को श्री बच्चा लाल चौधरी, चौकीदार की 1 फरवरी, 1975 से सेवाओं को समाप्त करने की कार्यवाही न्यायोचित है? यदि नहीं तो वह किस अनुसूची का हकदार है?

[संख्या एल-32012/12/75-डी-1(ए)]

ORDER

New Delhi, the 21st November, 1975

S.O. 487.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Dunnage Wood and Scrap Dealers Association, Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial

Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Messrs Dunnage Wood and Scrap Dealers Association, Calcutta in terminating the service of Shri Bacha Lal Choudhury, Watchman, with effect from the 1st February, 1975 is justified? If not, to what relief is he entitled?"

[No. L-32012/12/75-D IV(A)]

New Delhi, the 8th January, 1976

S.O. 488.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the management of 12 Stevedores at Mormugao Harbour (Goa) specified in the Schedule hereto annexed and their workman, which was received by the Central Government on the 6th January, 1976.

SCHEDULE

1. Messrs Agencia Commercial Maritima, Vasco-da-Gama (Goa).
2. Messrs Agencia Ultramarina Private Limited, Vasco-da-Gama (Goa).
3. Messrs Chowgule Brothers, Mormugao Harbour (Goa).
4. Messrs Damodar Mangalji and Company (Private) Limited., Vasco-da-Gama (Goa).
5. Messrs Elesbao Pereira and Sons, Vasco-da-Gama (Goa).
6. Messrs Machado and Sons, Agents and Stevedores Private Limited, Vasco-da-Gama (Goa).
7. Messrs Gosalia Shipping Private Limited, Vasco-da-Gama (Goa).
8. Messrs Lima Leitao and Company, Mormugao Harbour (Goa).
9. Messrs Mormugao Navegadora Limited, Vasco-da-Gama (Goa).
10. Messrs Rajaram V. Redij, Vasco-da-Gama (Goa).
11. Messrs V. M. Salgaocar and Brothers Private Limited, Vasco-da-Gama (Goa).
12. Messrs V. S. Dempo and Company Private Limited, Mormugao Harbour (Goa).

AWARD

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT:

Shri B. Ramlal Kishen, II. M. Bar-at-Law, Judge, Presiding Officer

REFERENCE NO. CGIT-2/12 OF 1975

Employers in relation to the management of 12 Stevedores at Mormugao Harbour (Goa)

AND

Their Workmen

APPEARANCES:

For the employers.—

(M/s. Lima Leitao & Co., Goa)

No appearance
No appearance

State : Union Territory of Goa

Industry : Major Ports and Docks Bombay, dated the 12th December, 1975.

AWARD PART-II

नई दिल्ली, 1 जनवरी, 1976

The Government of India, Ministry of Labour have, in exercise of the powers conferred on them by clause (d) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) by their order No. L-36011(4)/75-D-IV(A) dated 21st July, 1975 referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the management of 12 stevedores at Mormugao Harbour (Goa) specified in Schedule I in respect of the subject matter specified in Schedule II.

SCHEDULE-I

1. Messrs Agencia Commercial Maritime, Vasco-da-Gama (Goa.)
2. Messrs Agencia Ultramarine Private Limited, Vasco-da-Gama.
3. Messrs Chowgule Brothers, Mormugao Harbour (Goa.)
4. Messrs Damodar Mangalji and Company Private Limited, Vasco-da-Gama (Goa).
5. Messrs Elesbao Pereira and Sons, Vasco-da-Gama (Goa).
6. Messrs Machado and Sons, Agents and Stevedores Private Limited, Vasco-da-Gama (Goa).
7. Messrs Gosalia Shipping Private Limited, Vasco-da-Gama (Goa).
8. Messrs Lima Leitao and Company, Mormugao Harbour (Goa).
9. Messrs Mormugao Navegadore Limited, Vasco-da-Gama (Goa).
10. Messrs Rajaram V. Redij, Vasco-da-Gama, (Goa).
11. Messrs V. M. Salgaocar and Brothers Private Limited, Vasco-da-Gama, (Goa).
12. Messrs V. S. Dempo and Company Private Limited, Mormugao Harbour (Goa).

SCHEDULE II

- (a) Whether the Stevedores of Mormugao Harbour specified in Schedule I are justified in not supplying uniforms to their Chief Foremen, Assistant Foremen, Supervisors, Tally Clerks and Showel Keepers? If not, to what relief the concerned workmen entitled?
- (b) Whether the Stevedores of Mormugao Harbour mentioned in Schedule I are justified in not paying overtime allowance and conveyance charges to their Chief Foremen, Foremen, Assistant Foremen, Supervisors and Tally Clerks when they are required to attend the Pool Office for grievance procedure during the period of their rest? If not, to what relief are the concerned workmen entitled?"

2. After the receipt of the order of reference notices were issued to the parties for filing their statements. The employers specified in Schedule I, except S. No. 8 M/s. Lima Leitao and Company, Mormugao Harbour and the workman through their Association filed a settlement praying that the Award be passed in terms of settlement. Accordingly, Award Part I dated 30-9-1975 in respect of Employers mentioned in Schedule I except S. No. 8 was passed.

3. As the Employer S. No. 8 M/s. Lima Leitao & Co., and the workmen remained absent on 20-11-1975, ex-parte notices were issued to M/s. Lima Leitao and Company and the General Secretary, Mormugao Stevedores Staff Association fixing the hearing on 12-12-1975. While the General Secretary of the Association accepted the notice, the notice addressed to M/s. Lima Leitao & Co. was returned with the postal remark 'refused by M/s. Lima Leitao & Co. Pvt Ltd. Mormugao Hr.' In spite of the receipt of the ex-parte notice the General Secretary, Mormugao Stevedores Staff Association did not file any written statement. He also did not appear before me on the date of hearing. I am left with no other alternative but to pass a no dispute award in respect of Employer at S. No. 8 M/s. Lima Leitao & Co. Limited. I make no order as to costs.

B. RAMLAL KISHEN, Presiding Officer
[No. L-36011(4)/75-D. IV(A)]
NAND LAL, Section Officer (Spl.)

का० प्र० 489.—कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 16 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) में तारीख 15 जुलाई, 1972 को प्रकाशित भारत सरकार के मूलपूर्व श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग की) अधिसूचना सं० का० प्र० 1714, तारीख 4 मई, 1972 के अनुक्रम में, केन्द्रीय सरकार, खैरानी संस्थाओं द्वारा धारित या नियंत्रित ऐसे स्थापनाओं के वर्गों को, जो अनन्यतः अपने कर्मचारियों के फायदे के लिए कार्य कर रहे हैं, उक्त अधिनियम के प्रवर्तन से उक्त अधिसूचना में विनिर्दिष्ट अधि के अवमान की तारीख से पांच वर्षों की और अधि के लिए छूट देती है।

[सं० एस-35014(22)/75-पी०एफ०2]

New Delhi, the 1st January 1976

S.O. 489.—In exercise of the powers conferred by sub-section (2) of section 16 of the Employees Provident Funds and Family Pension Fund Act, 1952 (19 of 1952) and in continuation of the notification of the Government of India in the late Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 1714, dated the 4th May, 1972, published in the Gazette of India Part II-section 3-sub-section (ii), dated the 15th July, 1972, the Central Government hereby exempts such class of establishments owned or controlled by charitable institutions as are working exclusively for the benefit of their employees, from the operation of the said Act for a further period of five years with effect from the date of expiry of the period specified in the said notification.

[No. S. 35014(22)/75-PF.III]

नई दिल्ली, 3 जनवरी, 1976

का० प्र० 490.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 1 फरवरी, 1976 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-चार (धारा 44 और 45 के अतिरिक्त जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय पांच और छः (धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के अतिरिक्त जो पहले ही प्रवृत्त की जा चुकी हैं) के उपबन्ध महाराष्ट्र राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्षेत्र जिसमें जिला मांगली, तालुक मिराज में बुधगांव राजस्वग्राम की सीमाएं सम्मिलित हैं।

[सं० एस-38013/16/74-एच०आर०]

New Delhi, the 3 January, 1976

S.O. 490.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st February, 1976 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Maharashtra, namely :—

The area comprising of :—

The limits of Budhgaon Revenue village in Taluka Miraj, District Sangli.

[No. S-38013/16/74-HI]

नई दिल्ली, 6 जनवरी, 1976

क्रा० प्रा० 491.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार 25 जनवरी, 1976 को उस तारीख के रूप में नियत करती है, जिसकी उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के अतिरिक्त जो पहले ही प्रवृत्त की जा चुकी हैं) और अध्याय 5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के अतिरिक्त जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबन्ध हरियाणा राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

जिला सोनीपत में—

- (1) बहालगढ़ हद बस्त संख्या 73,
- (2) देपालपुर हद बस्त संख्या 28,
- (3) फाजिलपुर हद बस्त संख्या 81,
- (4) अहमदपुर हद बस्त संख्या 76,

के राजस्व ग्रामों से मिलकर बना क्षेत्र ।

[संख्या एस-38013/11/75-एच० आई०]

New Delhi, the 6th January, 1976

S.O. 491.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 25th January, 1976 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Haryana, namely :—

The area comprising the revenue villages of :

- (1) Bahalgarh, Had Best Number 73,
- (2) Depalpur, Had Best Number 28,
- (3) Fazilpur, Had Best Number 81,
- (4) Ahmedpur, Had Best Number 76,

In District Sonapat.

[No. S-38013/11/75-HI]

क्रा० प्रा० 492.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 25 जनवरी, 1976 को उस तारीख के रूप में नियत करती है, जिसकी उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के अतिरिक्त जो पहले ही प्रवृत्त की जा चुकी हैं) और अध्याय 5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के अतिरिक्त जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबन्ध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे अर्थात् :—

जिला	तालुक	होबली	गाँव
बेल्लारी	बेल्लारी	बेल्लारी	(i) बेल्लारी
			(ii) बिसालाहल्ली

[सं० एस० 38013/18/75-एच० आई०]

S. O. 492.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 25th January, 1976 as the date on which the provisions of Chapter IV (except section 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have

already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka, namely :—

District	Taluk	Hobli	village
Bellary	Bellary	Bellary	(i) Bellary (ii) Bisalahalli

[No. S-38013/18/75-HI]

नई दिल्ली, 9 जनवरी, 1976

क्रा० प्रा० 493.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 25 जनवरी, 1976 को उस तारीख के रूप में नियत करती है, जिस की उक्त अधिनियम के अध्याय 4 (धारा 44 और 45) के अतिरिक्त जो पहले ही प्रवृत्त की जा चुकी हैं) और अध्याय 5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के अतिरिक्त, जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबन्ध पंजाब राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्रम संख्या	राजस्वग्राम का नाम	हदबस्त संख्या
1.	सोहाना	35
2.	मतौर	7
3.	शाही माजरा	9
4.	बलांगी	26
5.	मोहाली	10
6.	मदनपुर	8
7.	बारमाजरा	25
जिला रोपड़ में ।		

[सं० एस-38013/24/74-एच० आई०]

एस० एस० सहस्रनामान, उप-मन्त्रि

New Delhi, the 9th January, 1976

S. O. 493.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 25th January, 1976 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Punjab, namely :—

Serial Number	Name of the Revenue Village	Had Bast Number
1.	Sohana	35
2.	Mataur	7
3.	Shahi Majra	9
4.	Balongi	26
5.	Mohali	10
6.	Madan Pur	8
7.	Bar Majra	25

in district Ropar.

[No. S-38013/24/74-HI]

S.S. Sahasranaman Dy., Secy.

S.O. 494.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the management of Messrs. Tandur and Navandgi Stone Quarries (Private)

Limited, Bashirabad, and their workmen, which was received by the Central Government on the 1st January, 1976.

BEFORE THE INDUSTRIAL TRIBUNAL : (CENTRAL)
AT HYDERABAD

PRESENT :

Sri T. Narasing Rao, M.A., LL.B.,

Industrial Dispute No. 9 of 1973

BETWEEN

Workmen of M/s. Tandur and Navandgi Stone Quarries
(Private) Limited, Bashirabad, Hyderabad District.

AND

The Management, M/s Tandur and Navandgi Stone
Quarries (Private) Limited, Bashirabad, Hyderabad
District.

APPEARANCES :

Sri K. Satyanarayana, Advocate—for Workmen.

Sri K. Srinivasamurthy, Hon. Secretary, F.C.C. & I.—
for Management.

AWARD

The Government of India in Ministry of Labour and Rehabilitation (Department of Labour and Employment) through Notification No. L-29011(29)/73-LR. IV, dated 2-5-1973 referred the Industrial Dispute between the employers in relations to the Management of M/s. Tandur and Navandgi Stone Quarries (Pvt.) Limited, Bashirabad, Hyderabad District and their workmen under Section 7A and Section 10(1)(d) of the Industrial Disputes Act for adjudication by this Tribunal on the following issues :—

Item I—Whether the demand of the following workmen of Malkapur Quarries for payment of Kadi work carried from 21-11-71 and Tasulutarugulu from 25-11-71 in Malkapur Quarries against the Management of Tandur and Navandgi Stone Quarries (Private) Limited is legal and justified? If so, to what relief are these workmen entitled?

Item II—Whether the demand of the following workmen of Messrs Tandur and Navandgi Stone Quarries (Private) Limited for Payment for the work alleged to have been done in 'Kutchas' etc., from 5-8-71 to 30-10-71 is legal and justified? If so, to what relief are these workmen entitled?

Item III—Whether the demand for measurement and payments of the following workmen of Kadi, Tasulutarugulu, Tova, Bazda, Poakatarugu in Karankota, Kodicherla, Namalgi, Kydigara and Ogipura and other quarries against the management of the tandur and Navandgi Stone Quarries (Private) Limited is justified? If so, to what relief are these workmen entitled?

The lists of the workmen having claims on various counts are also appended to reference under each item.

2. The reference was registered as I.D. No. 9 of 1973 and notices were directed to the workers Union and to the Management. A claim statement is filed on behalf of the workers by the General Secretary of the Tandur Stone Quarries, Labour and Employees Union, Tandur. It is alleged therein that the respondent management refused to pay wages due to the workmen from 25-11-1971 for various works done by them in the quarries specified in the reference. It is alleged that there is already another industrial dispute pending before the Tribunal at Bombay for revision of wages from Rs. 4 to Rs. 8 per 100 CFT. The management is said to have refused to pay the wages from 25-11-1971 as a measure to coerce the workmen to accept low rate of wages at Rs. 4.80 np. and give up the claim of Rs. 8 per 100 CFT. It is specifically alleged that when the payments were not made from 25-11-1971, the workmen stopped the work after working for a month. It is thus alleged that the management paid the wages only upto 25-11-1971 but did not pay the workmen thereafter on account of (1) Kadi or Bazade or Dindu (2) Tasulutarugu or Porakatarugu (3) Tove work and (4) Kucha work.

3. At that stage the management has not filed any counter but produced 861 individual workers declaration of 'no claim' out of 917 workmen mention in the reference. Those declaration are produced to show that those workmen have received the amounts in full and final settlement of the dispute and thus have no claim. The Petitioner Union disputed the genuineness of those declarations. On behalf of the workmen three witnesses were examined to impeach those declarations. The management, produced three witnesses in support of the declarations. By an order dated 1st May, 1974, the declarations were accepted and it was observed that it is open to the individual workman to appear before the Tribunal and to contest the individual declaration if the workmen so chooses. The declarations of 'no claim' were thus accepted.

4. At that stage the workmen filed M. P. No. 107 of 1974 alleging that a few more sums are due to the workmen and that the Tribunal should direct the management for payment of the said amounts and thus close the case. The management was directed at that stage to file its counter. In the counter filed by the management it was contended that with regard to 47 workers referred in Schedule No. 2, the claims of 37 have been settled and that the payment with regard to seven out of the remaining ten is also shown in the register and that the persons shown at Serial Nos. 25, 26 and 30 are not employees of the management. It is stated that with regard to the workmen Serial No. 35 under schedule I Section 2 the amount is to be paid, and that the management is ready to pay the same. It is alleged that the management has paid for the Kucha work upto 10-8-1971. By a notice dated 9-8-1971 the Management abandoned the Kucha work in Malkapur quarry as it was endangering human safety and was causing financial loss to the Company, but at the instigation of some of the workmen, the Kucha work was carried on unauthorisedly from 9-8-1971 to 31-10-1971. It is thus contended that the management was under no obligation to pay for the Kucha work between 9-8-1971 to 31-10-1971. As the management refused to make payments for the unauthorised work, the labour became riotous and obstructed the clerical staff from taking normal measurement work of the quarry in general. The Labour Department and the Police were appraised of these developments. The Kucha workers ultimately approached the management and craved for forgiveness and also gave assurances that they would not carry on the Kucha work in future. Thus they appealed to the management to consider the work done unauthorisedly subsequent to the notice dated 9-8-71. The management paid for the Farshi work (which is a part of the work) on 17-11-71 as per the individual undertakings. Thus it is alleged that 37 workmen were also paid. The payments due to these workmen as shown in the claim statement are said to be incorrect. It is contended that they are entitled only to Rs. 763-00. As regards the subject matter of Schedule 3 no dispute is said to be pending as the workmen gave 'no claim' declarations.

5. Even with regard to the Kucha work since the workmen were laying some claim, they have examined P.W. 1 to 10. The management examined one witness as R.W. 1.

6. While things stood thus, the parties reported a settlement dated 20-12-1975 and filed a joint memo. into the Tribunal. That settlement was verified on 22-12-1975. On the said date an amount of Rs. 3,500/- was paid by the management to the General Secretary Sri S. Balappa in full and final settlement of all the claims of the workmen. The only point for consideration is whether the settlement is fair and reasonable so as to form the basis of an award. While recording the evidence even with regard to Kucha work done by the workmen, it was noticed that the evidence is not consistent as to the circumstances or even the period for which that work was done. The evidence of the workmen, they being illiterate is also discrepant with regard to the quantum or the period of work. It is the case of the management that the Kucha work done by the workmen is for the period after they have displayed a notice of stoppage of work and therefore the work done by these workmen is unauthorised and illegal. In this state of evidence and in view of the pleas raised by the parties, the settlement of the claims of the workmen at Rs. 3,500/- appears to me just and reasonable. It is also agreed in the settlement that the workmen would not have any more claims either with regard to their employment or non-employment. Both the parties prayed for an award being passed in terms of the settlement. Having regard to the not-too-clear claims

on account of the work done and also in view of the back ground against which the work, is said to have been done, the settlement of the claims of the workmen by paying a sum of Rs. 3,500/- appears to be reasonable. In substance the issues referred are only with regard to the payments to the workmen which stand settled as per their agreement. In the circumstances the Tribunal is not called upon to decide the issues by the any further enquiry. Since the settlement dated 20-12-1975 also appears to be reasonable, just and fair, it can as well form the basis of an Award.

Award is accordingly passed in terms of the settlement.

APPENDIX OF EVIDENCE

Witness Examined for workmen.

W.W.1. Baindla Hussannappa

W.W.2. K. Tippanna.

W.W.3. Ganje Bheemaiah.

Witness Examined for employers.

M.W.1. Chandrappa

M.W.2. Kishwar Habib Saheb.

M.W.3. Baindla Sayappa

Documents exhibited for workmen

Ex. W.1. Measurement slip issued by the management to Shri N. Mallappa for the period 10-5-1973 to 16-5-1973.

Ex. W.2. Wage slip issued by the management to Shri N. Mallappa for Rs. 28-28 for the period from 10-5-1973 to 16-5-1973.

Ex. W.3. Declaration of Baindla Hussannappa from Malkapur Quarry stating that he no claim against the management.

Ex. W.4. Left thumb impression of Shri Hussannappa (W. W. 1).

Ex. W.5. Right thumb impression of Shri Hussannappa (W. W. 2).

Ex. W.6. Declaration of Katlapur Tippanna from Malkapur Quarry stating that he has no claim against the management.

Ex. W.7. Left thumb impression of Shri K. Tippanna (W. W. 2.)

Ex. W.8. Right thumb impression of Shri K. Tippanna (W. W. 2.)

Document exhibited for employers

Ex. M. 1. (Series) Declarations of workmen from Namelga Quarry stating that they have no claims against the management.

Ex. M. 2. (Series) Declarations of workmen from K. Yadgira Quarry stating that they have no claims against the management.

Ex. M. 3. (Series) Declarations of workmen from Malkapur Quarry stating that they have no claims against the management.

Ex. M. 4. (Series) Declarations of workmen from Karankote Quarry stating that they have no claims against the management.

Ex. M. 5. Left thumb impression of Shri K. Tippanna in the pay sheet register.

Ex. M. 6 Receipt given by Shri K. Tippanna for Rs. 23-48 stating that he has no dispute against the management.

Ex. M. 7. Left thumb impression of Shri Bindla Hussannappa in the pay sheet register.

Ex. M. 8. Receipt given by Shri Baindla Hussannappa for Rs. 270-14 stating that he has no dispute against the management.

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL.

I. D. No. 9 of 1973.

Between :

Workmen of Tandur and Navandgi Stone Quarries (P)
Petitioners

AND

The Management of Tandur and Navandgi Stone Quarries (P) Limited. Respondents.

JOINT MEMO FILED ON BEHALF OF PARTIES

Both parties agree to settle the above dispute in full and final settlement of all the claims of the Petitioners in the above dispute on the following terms:—

(1) Respondent Management have agreed to pay and Shri S. Balappa on behalf of the Petitioners-workmen agreed to receive a sum of Rs. 3,500/- (Rupees Three Thousand, Five Hundred, Only) in full and final settlement of all the claims of Petitioners.

(2) Petitioners agree that they have no other claims whatsoever against the Management in regard to employment or non-employment of workmen.

(3) Both parties pray that an Award may be passed in terms of the above settlement.

For Management.
Sd/-

For Petitioners-Workmen.
Sd/-

M. Ramesh,

S. Balappa

Hyderabad, 20-12-1975.

T. NARASING RAO, Industrial Tribunal,

[No. L 29011(29)/73-LRIV/D IIIB]

S. H. S. IYER, Section Officer (Spl.).

S.O. 495.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court No. 13 Dhanbad in the industrial dispute between the employers in relation to the management of Chhota Bowa Colliery, P. O. Bansjora, Dist. Dhanbad and their workmen which was received by the Central Government on the 5th January, 1976.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 17 of 1968

PRESENT :

Shri S. N. Johri, B.Ss., LL.M.

PARTIES :

Employers in relation to the management of Chhota Colliery, P.O. Bansjora, Distt Dhanbad.

AND

their Workmen

APPEARANCES:

For Employers—Sri S. S. Mukherjee, Advocate.

For Workmen—Sri Rama Raman, Advocate.

INDUSTRY : Coal.

STATE : Bihar

Dhanbad, the 30th December, 1965

AWARD

This is a reference of the industrial dispute made by the Government of India in the Ministry of Labour vide its Order No. 2/29/66-LRII dated 1-4-66 posing the following question for adjudication :

"Whether the following workmen were stopped from working by the management of the Chhota Bowa Colliery with effect from the date shown against each of them ? If so, whether this action of the

management was justified and, if not, to what relief are these workmen entitled?"

1. Sukhai Harijan	Miner	From	4-1-65
2. Deolal Dusadh	"	"	10-2-65
3. Bara Sitaran Koiri	"	"	18-2-65
4. Ram Jiwan Koiri	"	"	19-2-65
5. Chaitu Koiri	"	"	4-1-65
6. Lakhan Dusadh	"	"	10-2-65
7. Ramjatan Koiri	"	"	9-4-65
8. Terhaj Poshi	"	"	9-4-65
9. Seokaran Koiri	"	"	19-5-65
10. Rambharosh Koiri	"	"	18-5-65
11. Gautam Pandey	Bailing Mazdoor	"	4-1-65
12. Sukhdeo Harizan	Miner	"	4-1-65
13. Lall Bahadur Gope	"	"	4-1-65
14. Lall Munga Gope	Night Guard	"	21-1-65

2. Thus Nos. 1, 5, 11, 12, & 13 were alleged to be stopped from 4-1-65. Of them, all were miners except No. 11 who was bailing Mazdoor. After 17 days Lall Munga Gope workman No. 14, Night Guard was stopped from work on 21-1-65. Workmen Nos. 3 and 4 were stopped on 18th/19th February '65 respectively i.e. roughly after a further period of 8 or 9 days. There was no stoppage from work for about two months thereafter. Workmen Nos. 7 and 8 were stopped in April and Nos. 9 and 10 in May '65. Thus the alleged stoppages came in instalments and were spread over a period of about 4 months. Except two all others were miners. Of those two, Sri Gautam Pandey workman No. 11 was Bailing Mazdoor and Lall Munga Gope workman No. 14 was Night Guard.

3. The employer raised an objection about the validity of the reference alleging that the union, which has sponsored the dispute, was not representative of the concerned workmen as none of them was the member thereof. The said workmen were never stopped from work and the reference was bad because it gave the assumed date of such stoppage. Employer's case on merits is that workmen Nos. 1 to 6 joined back their duties on 24-2-65 in consequence of the decision taken in conciliation proceedings. They again absented themselves since 27-2-65. Hence chargesheet dated 14-4-65 was served upon them. They did not attend the enquiry which had to be held ex parte and they were ultimately dismissed vide letter dated 24th/25th August '65.

4. The workmen Nos. 7 and 8 were absenting since 9-4-65. They were chargesheeted. Enquiry had to be held ex parte and by order dated 24th/25th August '65 they were also dismissed. Similarly workmen Nos. 9 and 10 were chargesheeted for their absence without permission and were dismissed by the order dated 9-10-65 after holding ex parte enquiry proceedings for that charge.

5. Workman No. 11 was found sleeping on duty. He was chargesheeted. Enquiry was held in his presence and the only punishment awarded to him was 6 days suspension with effect from 7-12-64. He was to join back on 13-12-64 but he did not turn up on duty after the expiry of the said charge. After waiting for more than eight months he was dismissed for indefinite absence vide letter dated 24th/25th August '65, after seeking approval of the Managing Partner.

6. Workman No. 12 did not join even when the management agreed in conciliation proceedings dated 18-12-64, to take him back. After a long and continued absence he was dismissed on 30-8-65. Workman No. 13 remained absent for six months. Hence he was dismissed vide letter dated 24th/25th August, 1965. Workman No. 14 was chargesheeted for negligence because during his duty hours as Night Guard one piece of rail had been stolen away. Enquiry had to be held ex parte and he was ultimately dismissed vide letter dated 21-1-65. Thus all of them were dismissed after ex parte enquiry in which charges were held to be proved except workmen Nos. 11, 12 and 13. Similarly all of them, except workmen Nos. 9, 10, 12 and 14, were dismissed under orders dated 24th/25th August, 1965. Workmen Nos. 9 and 12 were dismissed on 9-10-65, No. 12 on 30-8-65 and No. 14 on 21-8-65.

7. Written statement was filed by Sri Emamul Hai Khan on 6-8-66 on behalf of the concerned union denying the allegations of the employer and alleging that workmen Nos. 1 to 4, 9 and 10 had since received all their dues in full and final satisfaction of their claims and the union did not want to press their claims in the reference. The reinstatement of only the rest of them was claimed. This written statement was alleged to be collusive and vide order dated 25-9-68 the written statement filed by the concerned workmen on 20-6-66 was formally entertained. In that written statement the workmen Nos. 1 to 4, 9 and 10 denied to have received all their dues or to have relinquished their claim.

8. The case of the workmen as presented in their written statement is that so far as workmen Nos. 1 to 6 are concerned admittedly conciliation proceedings were held on 18-12-64 (wrongly described as 16-12-65 in the written statement). It was agreed in those proceedings that the management would take them back. The workmen accordingly approached the management for joining back their duty. But they were not allowed to do so. The management fictitiously marked their attendance from 24-2-65 to 26-2-65 and showed them absent again creating a false fresh cause of action. The chargesheets were false. No departmental enquiry was held. The departmental enquiry papers were fictitiously prepared by the management. On 27-2-65 the employer got a false case instituted against them. They were arrested and were kept in prison till 8-4-75. On being so released they again approached the management on 9-4-75 for permission to join back on duty. But the management was not prepared to allow them to do so.

9. Workmen Nos. 7 and 8 were stopped since 9-4-65. A dispute was raised before Conciliation Officer. Vide his letter No. D-144/4(37)65 dated 28-4-65, the Conciliation Officer, Dhanbad directed the employer to take back these workmen but they were not allowed to join. Departmental enquiry is alleged to be only a paper transaction. Workmen Nos. 9 and 10 were also stopped without any chargesheet or departmental enquiry and were victimized for their legitimate trade union activity. Similarly workmen Nos. 12 to 14 were victimized and sent to prison by the employer. There was no deliberate absence on their part.

10. These workmen sent registered letters to the management with copies to the Conciliation Officer requesting for being taken back on duty but to no effect. Ultimately dispute had to be raised before the Conciliation Officer. Failing settlement it had to be submitted to the Government for being referred for adjudication. They claim reinstatement with full back wages.

The reference posed three questions namely :—

- (1) Whether the workmen were stopped from working on the alleged dates.
- (2) If so, whether the stoppage was justified.
- (3) If not the relief.

Thus the factum of stoppage was not a closed question. It was kept open for decision and this necessarily meant whether they were so stopped on the alleged dates or were dismissed as alleged by the employer. However my learned predecessor Sri Sachchidanand Sinha treated stoppage as a closed question and refused to consider the plea of dismissal. His award dated 18-9-69 based on the above premises was successfully challenged before the Hon'ble High Court at Patna and vide order dated 3-11-71 passed in C.W.J.C. No. 1461 of 1969. The Hon'ble High Court, while setting aside the award was pleased to remand the case with the following direction :—

"The Tribunal in my opinion has failed to consider the case of the petitioner (employer) in regard to the dismissal of the workmen which is covered by the very comprehensive terms of reference framed by the Government under Section 10(1) (d) of the Industrial Disputes Act, and the submission made in this regard by the learned Counsel for the petitioner must be accepted This case is remanded back to the Tribunal in the light of the observations made above."

11. The facts and circumstances in the present case must be judged in the backdrop of the situation then prevailing and with reference to the conduct of the management *vis-à-vis* these workmen. These concerned workmen were the members of Bihar Colliery Mazdoor Sangh. There existed a rival union in Chhota Bowa Colliery which was known as Congress Mazdoor Sangh. The two Unions were fighting with each other. Reports were lodged at the Police Station in the beginning of January 1965 resulting in registration of criminal case Nos. 12, 17 & 34 of 1965 under Section 107 Cr. P. C. The workmen Nos. 1 to 4, 5, 11, 12 & 14, Nos. 4, 5, 7, 11 & 14 and Nos. 1, 2, 5, 6, 11, 13 & 14 were involved in these cases respectively and were served with notices vide Sub-Divisional Magistrate's order dated 18-1-1965, 17-2-1965 and 17-2-1965 respectively. Case No. 17 of 1965 was registered at the instance of Sri Mohan Singh who was held in the judgment Ext. W-1 given by Sri B. N. Sinha in a different case, to be a man of the management of Chhota Bowa Colliery.

12. The management of Chhota Bowa Colliery in its own interest, was active in suppressing the Colliery Mazdoor Sangh in as much as much as it had falsely implicated workmen Nos. 1, 2, 5, 11, 12, 13 & 14 in a theft case under Section 147 of 379 I.P.C., G. R. No. 10 of 1965 of the Court of Sri B. N. Sinha, Magistrate Second Class, Bagmara. They were not only acquired vide judgment Ext. W-1 dated 21-1-67 but the Court was also pleased to observe that the case is a concoction and a face saving device for the alleged acts of lodging false reports and showing false arrests. After discussing some evidence it further observed that :—

"All other witnesses are interested persons being men of the management namely PW-1 Rajaram, PW-5 Mohan (informant) PW-6 Ram Bahadur, PW-6 Sukhdeo Pandey and PW-8 Satya Narain Dutta. I am not inclined to believe their evidence to be true statements of facts."

13. I am aware that under the strict technical rules of Evidence Act, the contents and discussion in a judgment are not admissible, but this Tribunal is not bound by the Technical rules of evidence because Evidence Act as such does not apply to industrial adjudication. The discussion of facts in the judgment together with the findings and the concluding order can well be considered by this Tribunal. The only plausible or conceivable reason for the employer to join hands with one union in his attempt to somehow falsely implicate the workmen belonging to the other union, can be their embarrassing trade union activity. The employer who is so dishonestly involved against the workmen in flagrant breach of ethics of labour management relationship, can hardly be believed in the matter of honest and reliable maintenance of attendance registers and enquiry records. His plea about the absence of the workmen for no cause will lose sanctity and consequent reliability in these days of unemployment unless supported by some other intrinsic or circumstantial evidence. The background this makes the burden of proof more onerous so far as the employer is concerned. It was held in *Ramendra Vs. 8th Industrial Tribunal* 1975 Lab. I.C. 94 Calcutta that the principle of Law enunciated on the burden of proof being the basic principle of Law the Industrial Tribunals are also required to follow the same. Let us scrutinise the evidence and see in the following background whether the management has been able to successfully discharge this onerous burden.

Workmen Nos. 1 to 6

14. Management's case is that with respect to workmen Nos. 1 to 6 there were conciliation proceedings on 18-2-65 i.e. next day after the service of notice by the Sub-Divisional Magistrate in criminal case Nos. 17 & 34 of 1965. In these proceedings the management agreed to take back these workmen on duty. As against that the letter of the Conciliation Officer Ext. M-2 dated 3-3-65 indicates that the agreement was with respect to workmen Nos. 1 to 4, 5, 6 & 12. However the discrepancy of workman No. 12 being substituted by workman No. 3 is not of much consequence.

15. As per judgment Ext. W-1 some of these workmen were arrested on or about 4-1-65. They had thus suffered forced absence from duty and consequent loss of wages super-imposed by additional expenses that they must have incurred in defending themselves from the volley of criminal cases manipulated against them. All these facts are supported by oral evidence also. Naturally under this circumstances these workmen must have been restive or at least

keenly anxious to join back their duties. That anxiety is apparent from the conciliation proceedings also. Why should such workmen nominally join for two days and again absent themselves for no cause as if they had financial affluence and wanted to join only for name's sake in order to provide a fresh cause of action to the management and suffer loss of binding force of conciliation proceedings only for benefitting the management thereby? Such a plea and the attendance register of two days manipulated in support thereof can hardly be believed being devoid of all reasons.

16. The letter of the Conciliation Officer Ext. M-2 dated 3-3-65 insisting upon the management to honour the conciliation proceedings dated 18-2-65 to take back the workmen on duty, further indicates that in fact the management was reluctant to take them back on duty even when the workmen were anxious to join back. The workmen approached the Conciliation Officer for work indicating their anxiety to earn their livelihood. The Conciliation Officer was also not convinced with the plea of the management that the workmen joined for two days and again absented themselves. This letter Ext. M-2 thus completely belies the plea of the management. Besides, the workmen themselves gave registered notices Ext. W-11 and others signifying their equivocal anxiety to join back the duty. All this evidence thus directly cuts against the credibility of management's plea.

17. Domestic enquiry started against them appears to be only a paper transaction. The chargesheet and notices of enquiry were sent by registered post acknowledgement due as per statement of Sri P. K. Sinha MW-1. Factually enough neither the receipts of registration nor the acknowledgement cards have been produced. Had the registered letters been received back undelivered being refused by the addressee or for other reasons, the management would have produced them as it has produced letters of dismissal alleged to have been so returned back by workmen Nos. 4 & 5. Thus neither those original envelopes nor receipts of registration nor acknowledgement cards have been produced. There is thus no evidence that the workmen concerned had any notice of such enquiry. The workmen have denied to have received such notices. Under the circumstances the management has not been able to establish justification for holding *ex parte* enquiry against them. It is thus apparent that proper opportunity to defend was not provided in utter disregard of the rules of natural justice and consequently said dismissal was void and ineffective. As between stoppage on the one hand on the dates alleged by the union and the dismissal on the other hand on the dates alleged by the management the story of the former appears to be more reliable and dismissal is thus not only not lawful but also appears to be based on fictitious paper transaction.

Workman Nos. 7 & 8

18. The case of the employer is that these two workmen absented themselves since 9-4-68. As such after *ex parte* domestic enquiry they were also dismissed vide letter dated 24th/25th August 1965. The case of the workmen is that they were stopped from work on 9-4-65. The union complained to the Conciliation Officer on 24-4-65 vide Ext. W-6. On this the Conciliation Officer directed the management to take them back on duty but they were not allowed to join. Alleged domestic enquiry was only a paper transaction and the workmen had no notice thereof. Sri P. K. Sinha MW-1 has deposed and proved the office copies of the letters and notices issued to the workmen by registered post but he did not say a word that these letters and notices ever reached the hands of the workmen, were served upon them personally or through somebody or the workmen had otherwise acquired knowledge of such domestic enquiry proceedings and the charges. The acknowledgement cards indicating the receipt of these registered letters and notices have not been produced or proved. Terhai Pashi workman No. 8 examined himself as WW-3 and denied on oath that neither he nor Ramjatan Koiri workman No. 7 received any chargesheet or notice of the alleged domestic enquiry. They did receive notice dated 26-4-65 Ext. M-32. But that was the notice to show cause why disciplinary action should not be taken against them for absence from 9-4-65. They sent a reply and refuted the allegation vide Ext. W-10 dated 6-5-65 asserting that they were illegally stopped from work by the management and that they were always ready and willing to work if allowed to do so.

19. Thus justification for proceeding *ex parte* in the domestic enquiry has not been established. It is therefore clear that the said domestic enquiry was not only irregular because

opportunity to defend was not provided and consequent dismissal order was void, but was also a paper transaction only. As between the rival claims of stoppage from work and dismissal for misconduct, the former appears to be more reliable, more so because on 24-4-65 the General Secretary of the Union had reported vide Ext. W-6 to the Conciliation Officer that these workmen had been stopped from work since 9-4-65 and these workmen themselves gave registered notice Ext. W-10 on 6-5-65 to the management that they were ready and willing to join back any time. The dismissal, even if believed to be a fact, was void being unlawful.

Workmen Nos. 9 & 10

20. Management's case is that they were absenting themselves hence chargesheets were issued. Domestic enquiry had to be held ex parte and they were dismissed vide letter dated 9-10-65. The case of the workmen is that they were stopped from work on the dates mentioned in the order of reference. Alleged domestic enquiry was only a paper transaction.

21. Sri P. K. Sinha MW-1 has not said that chargesheets Ext. M-42 and Ext. M-43 were ever served upon these workmen. They purport to have been sent by registered post acknowledgement due and to the similar effect is the statement of Sri Sinha MW-1. But neither the receipt of registration nor acknowledgement cards have been produced for proving due service of the chargesheets upon the workmen concerned.

22. Notices of domestic enquiry were also sent to them by registered post but they refused to accept the same. Hence the letters were returned back to the sender. They have been produced and marked Exts. M-46 & M-47. Rambharos Koiri workman No. 10 did appear in the witness box but he did not deny to have received these registered notices even when he categorically refused services of chargesheets. This constitutes an admission. The other workmen did not appear in the witness box. There is thus un rebutted evidence that these workmen had due notice of the domestic enquiry. They did not attend the enquiry hence there was justification for proceeding ex parte.

23. However the non-service of the chargesheet alone is equally fatal to the validity of the proceedings and to the order of dismissal. It is thus clear that the domestic enquiry in the case of these two workmen was not fictitious. It was regular and factual but the order of dismissal was not valid. There is no reason to disbelieve Rambharos Koiri WW-4 that he was stopped from work on the date alleged in the reference. Report to that effect was submitted by the union to the Conciliation Officer in June 1965. Copy is proved as Ext. W-8. On 1-4-65 the Secretary of the union reported to the Superintendent of Police vide Ext. W-7 that Rambharos Koiri was one of those workmen who were being unnecessary harassed by the management and were being implicated in false case. Thus the story of his stoppage appears to be reliable as against the story of dismissal which is otherwise not valid as discussed above.

Workman No. 11

24. Sri Gautam Pandey workman No. 11 was, according to the management, found sleeping on duty. He was charge-sheeted. He filed a reply to the chargesheet. Domestic enquiry was held. A punishment of six days suspension was awarded. But even after the expiry of those six days on 13-12-64, he did not join back the duty. After waiting for eight months he was dismissed. No domestic enquiry was held in this case. Workman's case is that he was stopped from work by the management on 4-1-65.

25. This workman appears to be the most vicious target of the management's wrath. He was implicated in all the cases whether of theft or under preventive sections against breach of peace between the rival unions. Ext. M-59 shows that he was suspended for six days with effect from 7-12-64. This period expired on 13-12-64. Management's case is that he was absenting from that date because he did not join after the expiry of suspension period. While the case of the workman is that he was working till 4-1-65. On that day he was called by the Manager and was got arrested. He has stated on oath and he asserted firmly that he had joined back the duty after the period of suspension. He has thus rebutted the testimony of Sri P. K. Sinha MW-1 on

the point of his absence from duty since 13-12-64 to 4-1-65. Thereafter it was necessary for the management to prove his absence during this period by production of attendance register etc. Non-production of such vital and clinching evidence should lead to adverse inference against the truth of the story of the employer. The employer has failed to discharge that burden and consequently his story cannot be believed.

26. Sri P. K. Bose PW-1 has stated and the letter Ext. M-60 proves that Sri Pandey was dismissed without holding any enquiry for the misconduct of the alleged absence. Opportunity to defend was not given wherein the workman could have shown and submitted that he did not in fact remain absent during all those eight months. Thus the said dismissal was void being in consequence of the proceedings which had flagrantly violated the principles of natural justice. As discussed above the story of the workman that he was in fact stopped from work appears to be more reliable.

Workman No. 12

27. Management's case is that Sukhdeo Harijan workman No. 12 did not join back even when it was agreed in conciliation proceedings that he would be taken back in service. Thus from 18-12-64 the management continued to wait upto 25-8-65. After waiting for more than eight months he was dismissed without holding formal domestic enquiry. The union has denied this allegation and has alleged victimisation. He was stopped from work on and from 4-1-65.

28. Sri P. K. Bose MW-1 has made a statement on oath supporting the managements' version, but his testimony stands rebutted by the statement on oath made by Gautam Pandey WW-1 who categorically stated that on 4-1-65 Sukhdeo was present in the mine. When Sri Pandey was got arrested Sukhdeo and others came to the office and raised a voice against this unjustified action of the management. Thereupon Sukhdeo was also arrested. He was implicated in the theft case No. 10 of 1965 and was later on acquitted by the Magistrate vide Ext. W. 1. Learned Magistrate passed strong strictures against the involvement of the management. He was also implicated in breach of peace case No. 12 of 1965 before Sub-Divisional Magistrate, Bagmara vide Ext. W-3. Management talks of his absence from 18-12-64 for the first time in August, 65 while on 8-5-65 the letter Ext. W-5 had already been sent by this workman to the Conciliation Officer that he was not being allowed to work. Management's plea appears to be an after thought and it is apparent that the absence of the workman was only a forced absence for finding an excuse for the termination of his services. The employer's case of dismissal for wilful absence has thus no credence.

Workman No. 13

29. This workman Sri Lal Bahadur Gope is alleged to have wilfully remained absent for about six months i.e. sometime from the first week of February '65. Hence he was dismissed in August, 1965 without any enquiry. The union has denied this allegation. It is said that he was stopped from work on 4-1-65 as a measure of victimization for trade union activities. The testimony of Sri Bose MW-1 stands effectively rebutted by the testimony of Sri Gautam Pandey WW-1 who has proved that along with him and Sukhdeo this workman was also arrested on 4-1-65. He was falsely implicated in the theft case by the management vide Ext. W-1. This must have been sufficient to terrorise him. His absence was also a forced one and the story of dismissal for wilful absence appears to be devoid of reason.

Workman No. 14

30. According to the management he was charged for negligence in his duty as Night Guard on 29-12-64. In as much as a theft of a rail-piece occurred during that night. He was dismissed after enquiry. There is no evidence of service of chargesheet or of notice of the date of hearing. The enquiry was simply a paper transaction and dismissal was wholly void because no opportunity to defend was given. He was falsely implicated in the theft case No. 10 of 1965 and the breach of peace cases and was perhaps in prison when the enquiry was held. When he was released he was not allowed to join.

31. Thus the story of the workmen about the illegal and unjustified stoppage stands fully proved as against the story

of the dismissals. The workmen will be deemed to have continued in service and the old management will be liable to pay all back wages till the colliery was under their control and ownership.

32. This brings us to the question whether the relief of reinstatement can be granted. The past owners are now out of picture after the nationalisation of Coking Coal Mines and they are unable to reinstate these workmen. The Government Company, Bharat Coking Coal Limited which has replaced the past owners since 1-5-72 claims by virtue of Section 9 of the Coking Coal Mines (Nationalisation) Act, 1972 absolute protection from any such liability of reinstatement arising out of the act of the past owners.

33. Firstly nationalisation, according to the policy of the State as declared under Section 2 of Coking Coal Mines (Nationalisation) Act, 1972 is 'for so distributing the ownership and contract of the material resources of the community as to best to subserve the common good'. The words 'common good' as used in Clause (B) of Article 39 of the Constitution of India are wide enough to include the interest of the workmen as well. Hence nationalisation of ownership should subserve the interest of the victimized workmen rather than leave these poor citizens of the country on the threshold of hunger and starvation arising out of such unemployment. No provisions of the Coking Coal Mines (Nationalisation) Act, 1972, not even Section 9 of the same can be so interpreted as to put the security of service of a victimized labourer to jeopardy, especially when Section 17 of the Act has been incorporated simply with the object of confirming such security.

34. Moreover interpretation of the Industrial Laws and in a way this Nationalisation Act can also be classified as an industrial law, should recognise the socially vital factor of industrial jurisprudence and constitutional mandate of Article 42 which directs the State to secure all workers just and human condition of work. 'Security of employment is the first requisite of a worker's life' as observed by the Supreme Court in *L. Michael and another Vs. Jhonson Pumps India Ltd.* 1975—1 L.L. J. 262. The interpretation should be such as to reconcile the declared directive principle of State policy vide Section 2 (referring to Article 39 Clause (b) of the Constitution), with the undeclared but all pervading directive principles of the State policy as envisaged in Articles 41 to 43 of the Constitution of India so far as Industrial Laws are concerned. Thus as said above the interpretation should lean towards security of employment and not against it.

35. Secondly Coking Coal Mines (Nationalisation) Act, 1972 is more concerned with the ownership and managerial aspect of the undertaking. Its provisions are meant to save the Government Company from the past liabilities of the owner more so financial liabilities such as loans, contract liabilities, payment of wages, back wages, gratuity, bonus, provident fund amount and other dues of the workmen including retrenchment compensation etc. The Act appears to be leaving the labour aspect i.e. the service matters of the workers to the care of normal law. It is not designed to affect them adversely. Hence to seek an interpretation of Section 9 of the Act in such a manner as to leave an unjusti-

fably retrenched worker to the care of of unemployment and starvation would not only be the traversity of argument but will also put at naught the social conscience which should inform the interpretation of industrial laws.

36. Thirdly the absence of non-obstante clause from Section 9 makes it clear that it does not over-ride the provisions of Section 17 of the Act which provides security of continued employment to the workmen of the past owner. In a way providing continued employment to the workmen of the erstwhile owner is also a liability arising out of the Act of recruitment of the workmen made by the past owners and under the normal law as laid down in Section 25FF of Industrial Disputes Act, the transferee concern was not bound to accept the liability to provide work to all the workmen employed by the past owners. It is with a view to safeguard the workmen against such liability that Section 17 was specifically incorporated in Act No. 36 of 1972, in contradistinction to the liabilities envisaged in Section 9 thereof.

37. It is true Section 28 of the Act No. 36 of 1972 gives its provisions an over-riding effect over such other Acts, instruments, decrees or orders of Court or Tribunals as are inconsistent with the provisions of that Act but for providing the relief of reinstatement we have not to seek the aid of provisions of any other enactments which can be said to be inconsistent with the provisions of the act of 1972. The aid for such relief is to be derived from Section 17 of the Act itself. In that respect provisions of the Industrial Disputes Act are not inconsistent with the provisions of Act No. 36 of 1972. Though Industrial Disputes Act provides for the relief of reinstatement yet it leaves it to the discretion of the Tribunal to recommend that relief only in suitable cases and against suitable persons. If the circumstances make it impossible to grant such relief the Tribunal is free to feel contended only by granting retrenchment compensation. However where reinstatement is possible the provisions of Act No. 36 of 1972 do not come in the way of such reinstatement and therefore Section 28 of Act No. 36 of 1972 has no relevancy to the present situation.

38. Again it has been argued with reference to Clause (B) of Sub-section (2) of Section 9 of the Act of 1972 that no award given after 1-5-72 in relation to any matter, claim or dispute which arose before that date shall be enforceable against the Central Government or Government Company. This widely worded clause, according to learned Counsel for Bharat Coking Coal Limited, provides a blanket protection against any such award including an award of reinstatement. Clauses of sub-section (2) are only declarations of the intention of the legislature with respect to the doubts in the interpretation of sub-section (1) of Section 9 of the Act. All the inherent limitations arising out of the policy, objectives and purposes of the Act, which inform the interpretation of sub-section (1) of the Section 9 of the Act, as discussed in previous paragraphs, shall normally filter down in these explanations. To be more specific Clause (B) of Sub-section (1) of Section 9 makes all such awards relating to past disputes inoperative against Bharat Coking Coal Limited which relate to financial liability discussed above as distinguished from the liability of continuation of service. Section 17 itself distinguishes that liability from other liabilities. Any other interpretation would give rise to a conflict between the provisions of Section 9 and Section 17.

39. Section 17 opens with the clause, 'every person who is a workman within the meaning of Industrial Disputes Act'. Neither the Act of 1972 nor Mines Act, nor Coal Mines (conservation, safety and development) Act, 1952 defines a 'workman'. These Acts have been referred to in Clause (r) of Section 3 of Act No. 36 of 1972 for definitions of the words which have not been defined in that Act itself. However the aforesaid opening clause of Section 17 of Act No. 36 of 1972 sepecifically imports the definitions of 'workman' as given in Section 2(s) of the Industrial Disputes Act. According to that definition the expression 'workman' includes any such person who has been dismissed, discharged or retrenched either as a consequence of industrial dispute or vice-versa. Thus Section 17 will mean to say that if there is a discharged, dismissed or retrenched person he will be deemed to be in the fictional or notional employment of the Coking Coal Mines. He shall become a fictional employee of the Bharat Coking Coal Limited and will be entitled to be reinstated by the Bharat Coking Coal Limited after the adjudication of the dispute in favour of such reinstatement of the workman.

40. There are host of rulings of the Supreme Court and other High Courts which show that a wrongfully dismissed or retrenched workman will be deemed continuing in the employment as if he was never dismissed or retrenched. It is only on this basis that back wages are granted at the time of reinstatement. Whenever a statute or precedent perports to deem a situation it introduces an unreal situation a fiction as distinguished from the apparent reality. This deeming clause asks an adjudicator to believe that even though such a worker was out of employment, he was notionally still under continued employment. Hence Section 17 would govern the continuance of notional employment of such a wrokman and reinstatement would follow as if a workman under the notional employment of the Bharat Coking Coal Limited has been ordered to be reinstated.

41. Such reinstatement is not a consequence of the Act of the past employer as envisaged in Section 9 of the Act. It is only an incident of the service of the workmen and an indication of his inherent right of continued employment which has now a statutory sanction in the form of Section 17. Past employer had only come in the way for the exercise of such a right of the workman and adjudication has removed that obstruction. Reinstatement is thus not covered by the mischief of the Section 9 of the Act. On principle of harmonious construction of the provisions of Sections 9 & 17 of the Act, only aforesaid interpretation would avoid the conflict between the two. Hence I am of the view that it is obligatory on the Bharat Coking Coal Limited to reinstate these workmen.

42. To sum up it is held that the stoppage of the workmen by the old management was unjustified. They will be deemed to have continued in service and the old management shall be liable to pay all back wages till the date the ownership and management were with it. The new management i.e. Bharat Coking Coal Limited shall within one month of the publication of the award be liable to reinstate all these workmen and provide them with suitable jobs with continuity of past services and its consequent benefits in gratuity etc.

The award is submitted to the Central Government in the Labour Ministry of required by Section 15 of the Industrial Disputes Act, 1947.

S. N. JOHRI, Presiding Officer.

[No. 2/29/66-LR-II]

S.O. 496.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court No. 3 Dhanbad in the industrial dispute between the employers in relation to the management of Simlabahal Colliery, P. O. Jharla, Distt. Dhanbad and their workmen, which was received by the Central Government on the 5th January, 1976.

CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT
NO. 3, DHANBAD

Reference No. 74 of 1969

Presiding Officer : Shri S. N. Johri, B. Sc., LL.M.

Parties : Employers in relation to the management of
Simlabahal Colliery, P.O. Jharla, Distt. Dhanbad.

AND

Their workmen represented by Krantikari Koyla
Mazdoor Sangh.

Appearances :

For Employers—Shri S. S. Mukherjee, Advocate represented the B. C. C. Ltd.

For Workmen—Shri G. Prasad, Advocate,

Industry : Coal

State : Bihar

Dated, Dhanbad, the 29th December, 1975

AWARD

This is a reference of the industrial dispute made by the Government of India in Labour Ministry vide its Order No. 2/196/68-LR II dated 3-10-1969 projecting the following question for adjudication :

"Whether the action of the management of Simlabahal Colliery, P. O. Jharla (Dhanbad), in terminating the services of the following workmen with effect from the dates shown against each and putting them in Badli list is justified ?"

Sl. No.	Name	Designation	Date of stoppage
1	2	3	4
1.	Latif Mia	Pump Mistry	22-4-68
2.	Rahaman Mia	Prop Mazdoor	22-5-68
3.	Khiroo Gope	Prop Mazdoor	23-5-68
4.	Madan Chamar	Pump Kharasi	23-5-68
5.	Amar Singh	Miner	22-5-68
6.	Bashir Mian	Prop Mazdoor	23-5-68
7.	Bihari Garari	Prop Mazdoor	23-5-68
8.	Idrish Mian	Pick Miner	22-5-68
9.	Jogeshwar Bhaian	Fitter Mazdoor	23-5-68

1	2	3	4
10.	Lal Muhammad	Prop Mazdoor	22-5-68
11.	Basdeo Goswami	Pick Miner	22-5-68
12.	Nunuram Majhi	Pick Miner	22-5-68
13.	Purna Manjhi	Pick Miner	22-5-68
14.	Bishram Jaiswara	Pick Miner	22-5-68
15.	Rohim Mian	Pick Miner	22-5-68
16.	Muslim Khan	W.E. Khalasi	25-5-68
17.	Sriram Yadav	Pick Miner	15-4-68
18.	Sekur Mian	Prop Mazdoor	21-5-68
19.	Bechan Singh	Prop Mazdoor	30-5-68
20.	Shibalak Thakur	Miner	31-5-68
21.	Nur Muhammad	Fireman	31-5-78
22.	Alam Mian	Prop Mistry	30-5-68
23.	Girija Gope	Prop Mistry	30-5-68
24.	Rajan Mian	Prop Mazdoor	30-5-68
25.	Ishaque Mian	Prop Mazdoor	30-5-68
26.	Lakhan Ram	Haulage Khalasi	30-5-68
27.	Latif Mian No. 2	Pick Miner	30-5-68
28.	Ali Muhammad	Prop Mistry	30-5-68

If not, to what delief are they entitled ?"

2. The Case of Krantikari Koyla Mazdoor Sangh, which sponsored the dispute on behalf of the workmen, is that since these workmen became members of this union inspite of verbal orders of the management to desist from such membership, they were forcibly driven out with the help of pahalwans from their colliery houses and were stopped from work on the dates shown against their names in the order of reference. Back wages and reinstatement of these employees have been claimed by the union.

3. The employer challenged the validity of the reference on the plea that the union never raised the dispute before the management directly or through Asstt. Labour Commissioner (Central), Dhanbad. On merits the respective workmen remained absent from these dates without sufficient cause and without permission. The management therefore as per terms of contract of service removed their names from the rolls and included them in the Badli list.

4. Parties entered into a settlement the terms of which were verified. Bharat Coking Coal Limited has agreed to provide work to Khiru Gope, pick miner and Shri Madan Chamar, pump Khalasi with continuity of service. They will not be entitled to back wages. They should report for duty within 15 days of the settlement to the General Manager Area No. IV failing which they shall forfeit their claim for service. The claim of the other workmen was withdrawn by the union and therefore deserves no consideration. The reference is therefore answered accordingly.

The award is submitted to the Central Government in the Labour Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

S. N. JOHRI, Presiding Officer.

[No. Z-2/196/68-LR II]

S.O. 497.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court No. 2 Dhanbad in the matter of a complaint under Section 33A of the Industrial Dispute Act, 1947 from Shri Kartar Singh, Machine Driver, 6 & 7 Pits Colliery and his employer M/s. Tata Iron & Steel Co. Ltd., which was received by the Central Government on the 1-1-1976.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 DHANBAD

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947.

Complaint No. 1 of 1975.

(Arising out of Reference No. 21 of 1975 and Reference No. 24 of 1973).

Parties :—

Shri Kartar Singh, Machine Driver, 6 & 7 Pit Colliery, C/o. Shri B. N. Sharma, President, Congress Mazdoor Sangh, Jorapoghar No. 1, P.O. Jealgora, Distt. Dhanbad.

Complainant.

Versus

M/s. Tata Iron & Steel Co. Ltd., Jamadoba, P. O. Jealgora, Distt. Dhanbad.

Opposite Party.

Present :

Shri K. K. Sarkar, Presiding Officer.

Appearances :

For the Complainants :—Shri B. N. Sharma, President, Congress Mazdoor Sangh, Dhanbad.

For the Opposite Party :—Shri S. S. Mukherjee, Advocate.

State : Bihar.

Industry : Coal.

Dhanbad, the 22nd December, 1975

AWARD

This is an application filed by Shri Kartar Singh, Machine Driver in No. 6 & 7 Pit of the Colliery under section 33A of I. D. Act for setting aside the order of termination of his service passed by the Opposite Party employers and for reinstatement with full back wages.

The opposite party employers filed their written statement and some documents. On the prayer from the side of the complainant time was allowed time and again for filing documents but to no effect. Today a petition was filed by Shri B. N. Sharma, President, Congress Mazdoor Sangh, representing the Complainant for permission to withdraw the case.

Accordingly the case is dismissed as withdrawn.

Sd/-

K. K. SARKAR, Presiding Officer.

[No. Z-20025/1/76-LR II]
G. C. SAKSENA, Under Secy.

नई दिल्ली, 4 जून, 1975

का०आ० 498.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 36 के अनुसरण में, कर्मचारी राज्य बीमा निगम के वर्ष 1974-75 के पुनरीक्षित प्राक्कलन और वर्ष 1975-76 के बजट प्राक्कलन, जैसे कि उक्त निगम ने अंतिम रूप से स्वीकार किये हैं, सर्वसाधारण की जानकारी के लिये एतद्वारा प्रकाशित किये जाते हैं।

New Delhi, the 4th June, 1975

S.O. 498.—In pursuance of section 36 of the Employees' State Insurance Act, 1948 (34 of 1948), the Revised Estimates for the year 1974-75 and the Budget Estimates for the year 1975-76 of the Employees' State Insurance Corporation as finally adopted by the said Corporation are hereby published for general information. (Here set out the Revised Estimates).

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5. BALANCE SHEET as on 31st March, 1975 (REVISED ESTIMATES).

(बजट प्राक्कलन) 31 मार्च 1976 को समाप्त होने वाले वर्ष का आय एवं व्यय लेखा।

6. INCOME & EXPENDITURE Account for the year ending 31st March, 1976 (BUDGET ESTIMATES)

(बजट प्राक्कलन) 31 मार्च 1976 को तुल्यपत्र।

7. BALANCE SHEET as on 31st March, 1976.

BUDGET ESTIMATES

विस्तार

COVERAGE:

उन स्थानों की सूची जिनमें 1974-75 तक योजना का प्रसारण किया गया था। (परिशिष्ट-I)

8. List of places where Scheme was anticipated to be extended upto 1974-75 (Appendix-I)

31 मार्च, 1976 तक योजना के अन्तर्गत आय तथा व्यय वाले कर्मचारियों तथा परिवार एककों की संख्या (परिशिष्ट-II)

9. Number of Employees & Family units covered and to be covered upto 31st March, 1976. (Appendix-II)

वास्तविक आंकड़े:

ACTUALS:

वर्ष 1971-72 की आय एवं व्यय का राज्यवार व्यौरा (परिशिष्ट-III)

10. Statement showing the Income & Expenditure region-wise for the year 1971-72 (Appendix-III)

वर्ष 1972-73 की आय तथा व्यय का राज्यवार व्यौरा (परिशिष्ट-4)

11. Statement showing the Income & Expenditure region-wise for the year 1972-73 (Appendix-IV)

वर्ष 1973-74 की आय तथा व्यय का राज्यवार व्यौरा (परिशिष्ट-5)

12. Statement showing the Income & Expenditure regionwise for the year 1973-74 (Appendix-V)

बजट

BUDGET:

वर्ष 1974-75 की आय तथा व्यय का प्रत्याशित राज्यवार व्यौरा (परिशिष्ट-6)

13. Statement showing the anticipated Income & Expenditure region-wise for the year 1974-75 (Appendix-VI)

वर्ष 1975-76 की आय तथा व्यय का प्रत्याशित राज्यवार व्यौरा (परिशिष्ट-7)

14. Statement showing the budgeted Income & Expenditure region-wise for the year 1975-76 (Appendix-VII)

भत्ते तथा मानदेय के अन्तर्गत उपबंधित राशि का विवरण (परिशिष्ट-8)

15. Details of amounts provided under the head "ALLOWANCES AND HONORARIA" (Appendix-VIII).

कर्मचारी राज्य बीमा निगम

(वर्ष 1974-75 के परिशोधित प्राक्कलन तथा वर्ष 1975-76 के बजट प्राक्कलन)

स्थाई समिति तथा निगम ने अपनी 1 तथा 2 फरवरी, 1974 की बैठकों में वर्ष 1974-75 के वित्तीय वर्ष के लिये कर्मचारी राज्य बीमा निगम के संभावित आय तथा व्यय के बजट प्राक्कलनों का अनुमोदन कर दिया था। इनकी श्रम एवं रोजगार विभाग ने अपने पत्र संख्या 20017(2)74/एच० आई० दिनांक 1 अप्रैल, 1974 द्वारा बिना किसी परिवर्तन के स्वीकृति दे दी थी।

2. केन्द्रीय सरकार के द्वारा अनुमोदित बजट प्राक्कलनों के अन्तर्गत निम्नलिखित बातें हैं:—

(1) विभिन्न केन्द्रों में, जहां योजना पहले ही कार्यान्वित हो चुकी है, योजना चलाने के लिये आवश्यक कार्यवाही तथा

(2) अन्य क्षेत्रों में योजना के विस्तार करने के लिये आवश्यक कार्यवाही।

3. जब 1974-75 के लिये बजट प्राक्कलन तैयार किये गये थे तब यह पूर्वानुमान लगाया गया था कि (i) योजना नये क्षेत्रों में विस्तारित हो जायेगी। (ii) चिकित्सा सुविधा बीमाकृत व्यक्तियों के परिवारों के लिये विस्तारित की जायेगी जैसा कि परिशिष्ट 1 के कार्यक्रम विवरण में दर्शाया गया है, तथा उसी तारीख से होगी जोकि उसके कालम 3 और 5 में प्रत्येक मद के आगे दिखाई गई है। परन्तु संबंधित राज्य सरकारों द्वारा पर्याप्त चिकित्सा व्यवस्था देने में होने वाली प्रशासकीय तथा अन्य कठिनाइयों के कारण, परिवारों के लिये चिकित्सा सुविधा विस्तारित करने के कार्यक्रम का संशोधन करना पड़ा। योजना का विस्तार वास्तव में उनमें से कुछ क्षेत्रों में उन तारीखों के काफ़ी बाद में हुआ, जो तारीखें परिशिष्ट 1 के कालम 4 में दिये गये विवरण में मूलतः दी गई थीं। जहाँ तक उन क्षेत्रों का संबंध है जहाँ योजना का कार्यान्वयन अभी तक नहीं हुआ है वहाँ उपरोक्त परिशिष्ट के उपयुक्त कालमों में प्रत्येक मद के आगे, योजना के कार्यान्वयन को परिशोधित तारीख, जोकि अब प्रत्याशित की गई है, दे दी गई है। जिन तारीखों से परिवारों को चिकित्सा सुविधा दी गई है या दी जाने की संभावना है वे भी उसी प्रकार से परिशिष्ट-1 के कालम 6 में निर्दिष्ट की गई हैं।

4. विभिन्न राज्य सरकारों के साथ आगे और विचार विमर्श तथा पत्र व्यवहार के परिणामस्वरूप अब यह प्रत्याशा की जाती है कि नये क्षेत्रों में योजना 1974-75 तथा 1975-76 के वित्तीय वर्ष में परिशिष्ट II में दिखाई गई तारीखों से कार्यान्वित की जायेगी। सुविधा की दृष्टि से इस परिशिष्ट में उन स्थानों को भी ले लिया गया है जहाँ योजना पहले ही कार्यान्वयन की तारीख से ही कार्यान्वित हो चुकी है। नवीनतम प्राप्त सूचना के आधार पर उन कर्मचारियों की संख्या को परिशोधित करके परिशिष्ट-II में समाविष्ट कर लिया गया है जो अब तक योजनान्तर्गत आ गये हैं या आने के लिये प्रस्तावित हैं। इस परिशिष्ट में प्रत्येक मद के आगे वे तारीखें भी अंकित हैं जिन तारीखों से बीमाकृत व्यक्तियों के परिवारों के लिये चिकित्सा सुविधा विस्तारित की गई है या विस्तारित की जाने की संभावना है।

5. केवल कुछ संशोधनों को छोड़कर जोकि अनुपेक्षित कारणों से होने वाले विलम्ब को ध्यान में रखते हुए किये गये हैं 1974-75 के वित्तीय वर्ष के परिशोधित प्राक्कलनों तथा वहाँ 1975-76 के बजट प्राक्कलनों को कार्यान्वयन के परिशोधित कार्यक्रम के अनुसार तैयार किया गया है।

6. रोजगार के अतिरिक्त खण्डों में योजना को विस्तारित करने के लिये पर्सपेक्टिव योजना समिति की सिफारिशें।

8 अगस्त, 1973 को निगम की बैठक में पर्सपेक्टिव योजना समिति की रिपोर्ट अनुमोदित की। केन्द्रीय सरकार ने भी रोजगार के अतिरिक्त खण्डों में योजना को विस्तारित करने के लिये समिति की सिफारिशें अनुमोदित कीं तथा इच्छा प्रकट की है कि इसे कार्यान्वित करने के लिये आवश्यक कार्यवाही प्रारम्भ की जानी चाहिये।

फिर भी योजना की सिफारिशों को कार्यान्वित तथा वास्तविक विस्तार करने के लिये सर्वप्रथम राज्य सरकारों के सहयोग पर निर्भर रहना होगा जिन्हें कि इस विषय में लिख दिया गया है। जब तक वह कर्मचारियों की चिकित्सा देखभाल के लिये आवश्यक प्रबंध करें स्पष्टतः अधिक प्रगति नहीं हो सकती। यद्यपि किसी भी राज्य सरकार ने कोई भी नियत तिथि नियत नहीं की है फिर भी भाग्य प्रदेश, हरियाणा, पंजाब, केरल, दिल्ली तथा पश्चिमी बंगाल की सरकारों ने कर्मचारी राज्य बीमा अधिनियम

1948 की धारा 1(5) के अन्तर्गत रोजगार के नये खण्डों में दिनांक 29-3-1975 से योजना के विस्तार के लिये अधिसूचना जारी कर दी है।

नये खण्डों में योजना के विस्तार के लिये अधिसूचना जारी करने की केन्द्रीय सरकार की अनुमति को असम, बिहार, महाराष्ट्र, कर्नाटक तथा चण्डीगढ़ संघ राज्य की राज्य सरकारों को भेज दिया गया है। राज्य सरकारों द्वारा यह अधिसूचना अभी जारी करनी शेष है।

योजना के अन्तर्गत आने वाले संभावित कर्मचारी तथा जिन तारीखों से रोजगार के नये खण्डों में योजना के विस्तार किये जाने की आशा है परिशिष्ट-II में दर्शाये गये हैं।

7. बजट विवरण

सारणीबद्ध बजट विवरण ए-I और ए-II के संबंधित कालमों में 1971-72 से 1973-74 तक के तीन वित्तीय वर्षों के वास्तविक आय व व्यय के आंकड़े तथा 1974-75 के चालू वित्तीय वर्ष के लिये स्वीकृत बजट प्राक्कलन एवं 1974-75 के चालू वर्ष के प्रथम आठ महीनों के वास्तविक आंकड़े भी दिखाये गये हैं। ये विचारार्थ तथा अनुमोदनार्थ प्रस्तुत हैं।

8. विवरण ए-I और ए-II के कालम 9 में 1974-75 के परिशोधित प्राक्कलनों के आंकड़े तथा कालम 10 में 1975-76 के बजट प्राक्कलनों के आंकड़े दिखाये गये हैं।

9(अ). नीचे दिये हुए पैराग्राफों में विभिन्न शीर्षों के अन्तर्गत जो अधिक महत्वपूर्ण मद हैं उनकी संक्षिप्त व्याख्या दी गई है। 31 मार्च 1975 को समाप्त होने वाले वर्ष का आय तथा व्यय लेखा तुलनपत्र के साथ जैसा कि वह उस तारीख को था तथा 31 मार्च 1976 को समाप्त होने वाले वर्ष का आय तथा व्यय लेखा जिसके तुलनपत्र के साथ जैसा कि वह उस तारीख को होगा व्यय रोपण किया गया है यह क्रमशः 1974-75 के परिशोधित प्राक्कलनों तथा 1975-76 के बजट प्राक्कलनों के प्रत्याशित आने वाले तथा जाने वाले आंकड़ों पर आधारित है। अवलोकन की सुविधा की दृष्टि से ये साथ में संलग्न हैं। इसके अतिरिक्त निम्नलिखित विवरण भी संलग्न हैं :—

वास्तविक आंकड़े:—

- वर्ष 1971-72 का क्षेत्रवार आय व व्यय दर्शाते हुए विवरण। परिशिष्ट-III
- वर्ष 1972-73 का क्षेत्रवार आय व व्यय दर्शाते हुए विवरण। परिशिष्ट-IV
- वर्ष 1973-74 का क्षेत्रवार आय व व्यय दर्शाते हुए विवरण। परिशिष्ट-V
- वर्ष 1974-75 का क्षेत्रवार आंकलित आय व व्यय दर्शाते हुए विवरण। परिशिष्ट-VI
- वर्ष 1975-76 का क्षेत्रवार आंकलित आय व व्यय दर्शाते हुए विवरण। परिशिष्ट-VII

(ब) उपरोक्त विवरण में 'मुख्यालय' शीर्ष के अन्तर्गत दिखाये गये कार्यों में क्षेत्रीय व स्थानीय कार्यालयों में किये गये कुछ केन्द्रित मदों के खर्च भी सम्मिलित हैं। उदाहरणार्थ निगम के कर्मचारियों के भविष्य निधि व पेंशन प्रारक्षित निधि के लिये अंशदान निगम में प्रतिनियुक्त सरकारी कर्मचारियों को भेदा होने वाले छुट्टी तथा पेंशन का अंशदान प्रचार अंशदान टिकटों का खर्च तथा लेखापरीक्षा शुल्क आदि ऐसे केन्द्रित मद हैं।

10. ग्रंथदान :

1 जुलाई, 1973 से कर्मचारी राज्य बीमा अधिनियम के अध्याय V (क) के रह जाने पर नियोजकों से ग्रंथदान एकत्रित करने का ढंग बदल गया है। अधिनियम की सूची 1 पर दी गई वरों पर नियोजकों एवं कर्मचारियों के हिस्सों को केवल एक ग्रंथदान टिकट द्वारा मिश्रित ग्रंथदान के रूप में वसूल किया जाता है।

11. चिकित्सा हितलाभ :

(अ) 'अ-चिकित्सा हितलाभ' शीर्ष के अन्तर्गत व्यय, दिल्ली संघ राज्य को छोड़कर, जहाँ पर कि योजना सीधे ही निगम द्वारा शासित है, राज्य सरकारों द्वारा प्रारंभिक रूप से वहन किया जाता है और उसके पश्चात् निगम तथा राज्य सरकारों में नियत अनुपात 7:1 के हिसाब में बाँट में बाँट लिया जाता है। इस शीर्ष के अन्तर्गत किया गया उपबन्ध निगम के ग्रंथ के खर्च को वहन करने के लिये है।

(ब) चिकित्सा हितलाभ के खर्च की उच्चतम सीमा :

1 अप्रैल 1974 से चिकित्सा हितलाभ पर आपस में बाँटे जाने वाले खर्च की उच्चतम दर को प्रति कर्मचारी प्रति वर्ष निम्न दर पर परिशोधित कर दिया है :—

- (1) 63 रुपये से 65 रुपये तक उन क्षेत्रों में जहाँ प्रतिबंधित चिकित्सा देखरेख दी जाती है।
- (2) 67 रुपये से 70 रुपये तक उन क्षेत्रों में जहाँ विस्तारित चिकित्सा देखरेख दी जाती है।
- (3) 80 रुपये से 85 रुपये तक उन क्षेत्रों में जहाँ पूर्ण चिकित्सा देखरेख दी जाती है।

(स) राज्य सरकारों को भुगतानियाँ :

वर्ष के दौरान चिकित्सा हितलाभ पर निगम अपने ग्रंथ के व्यय की लगभग 90 प्रतिशत भुगतानियाँ राज्य सरकारों से प्राप्त हुए व्यय विवरण के आधार पर "खाते पर" ही कर देती है जोकि राज्य महालेखाकारों से लेखा परीक्षा प्रमाणपत्र के प्राप्त होने पर समायोजन की शर्त पर किया जाता है।

(द) निगम द्वारा सीधे रूप से किया गया व्यय :

"चिकित्सा उपचार तथा देखरेख और मातृत्व सुविधा (निगम के द्वारा प्रत्यक्ष रूप से वहन किये गये खर्च)" शीर्ष के अन्तर्गत जो उपबन्ध हैं उनमें दिल्ली के संघ शासित क्षेत्र के बीमाकृत व्यक्तियों तथा उनके परिवारों को चिकित्सा सुविधा (जोकि 1 अप्रैल, 1962 से निगम ने संभाल लिया है) देने में प्रशासन व्यय की लागत का आकलन सम्मिलित है। विभाज्य राशि की 1/8 की दर से प्रत्याशित वसूली और उच्चतम सीमा से अधिक व्यय को 1974-75 के परिशोधित प्राक्कलनों में तथा 1975-76 के बजट प्राक्कलनों में राजस्व पक्ष में "चिकित्सा हितलाभ पर निगम द्वारा प्रारंभिक रूप से किये गये खर्च में राज्य सरकारों/संघ राज्यों का ग्रंथ" शीर्ष के अन्तर्गत ले लिया गया है।

1974-75 के लिये परिशोधित प्राक्कलन

12. प्राप्ति :

(अ) 1974-75 के चालू वर्ष के लिये निगम ने राजस्व का ग्रंथ 7251.40 लाख रुपये का अनुमान है जोकि बजट में 7410.36 लाख रुपये या अर्थात् ग्रंथ 158.96 लाख रुपये कम है।

(ब) राजस्व में जो कमी है उसमें ग्रंथदानों में (214.12 लाख रुपये) तथा राजस्व के अन्य शीर्षों में बढ़ोतरी द्वारा क्षतिपूर्ति (55.16 लाख रुपये) है।

(व) ब्याज तथा लाभांश :

प्रतिरिक्त बकाया राशि के विनियोजन पर प्राप्त ब्याज तथा लाभांश तथा कर्मचारियों को बाह्य ऋण व भवन निर्माण हेतु स्वीकृत ऋणों पर ब्याज की राशि का 348.33 लाख रुपये का अनुमान है जबकि बजट प्राक्कलन में यह 252.42 लाख रुपये था। इस अधिकता का मुख्य कारण वसूली, वितरण तथा विनियोजन के तरीकों में सुधार के कारण विनियोजन के लिये अधिक धन का होना है जोकि 1-9-1971 से स्टेट बैंक ऑफ इंडिया, नई दिल्ली के साथ एक केन्द्रित रूप से खाता खोलकर किया गया है। इसके द्वारा तुरन्त आवश्यकताओं से अधिक राशि का थोड़े समय के लिये विनियोजन करना संभव हो सका है। दूसरा कारण बैंकों द्वारा ब्याज की दरों का सामान्य रूप से बढ़ा देना भी है।

(ई) निगम के निजी चिकित्सालयों तथा औषधालयों के भवनों का किराया :

निगम की कं०रा०बी० औषधालय तथा चिकित्सालय के भवनों तथा उनके साथ बनाये हुए कर्मचारी आवास गृहों के किराये से प्राप्त आय ग्रंथ 179.58 लाख रुपये पहुँच जाने की आशा है। इस प्रकार वसूल किया गया किराया बीमाकृत व्यक्तियों के चिकित्सा हितलाभ पर राज्य सरकारों द्वारा किये गये व्यय का जोकि निगम व राज्य सरकारों में विभाज्य है, एक भाग बन जायेगा और इस प्रकार वह स्वभावतः ही निगम व राज्य सरकारों में 7:1 के अनुपात से संविभाजित हो जायेगा।

व्यय

13. 1974-75 के चालू वर्ष में राजस्व लेखा पर व्यय की कुल राशि ग्रंथ 6501.72 लाख रुपये अनुमानित की गई है, जबकि बजट में 6611.18 लाख रुपये रखी गई थी, अर्थात् ग्रंथ 110.06 लाख रुपये कम है।

14. शीर्ष-1—बीमाकृत व्यक्तियों तथा उनके परिवारों को हितलाभ :

अ.—चिकित्सा हितलाभ पीछे पैरा 11(स) में वर्ष के अधीन इस शीर्ष के अन्तर्गत कुल व्यवस्था 2859.82 लाख रुपये की है जिसमें निगम के भाग के डाक्टरों इलाज तथा चिकित्सालयों के लिये उपकरण के व्यय के 2706.62 लाख रुपये, दिल्ली में चिकित्सा लाभ पर व्यय के 141.20 लाख रुपये जहाँ पर कि योजना सीधे तौर पर निगम द्वारा शासित है तथा महाराष्ट्र क्षेत्र में बीमाकृत स्त्रियों और बीमाकृत व्यक्तियों की स्त्रियों को प्रसव शुल्क के लिये देय राशि के 12.00 लाख रुपये सम्मिलित हैं। दिल्ली में 1/8 भाग के व्यय तथा उच्चतम सीमा से अधिक व्यय की वसूली को 1975-76 के बजट के आय पक्ष में ले लिया गया है। जबकि राशि के प्राप्त होने की संभावना है। महाराष्ट्र से 1/8 भाग की जो वसूली होनी है उसे चिकित्सा हितलाभ के व्यय के बाबे की प्रतिपूर्ति के समय समायोजित कर लिया जायेगा।

15. ब—नकद लाभ तथा

स—अन्य हितलाभ :

नकद लाभों के अन्तर्गत परिशोधित उपबन्ध ग्रंथ 1997.29 लाख रुपये है जिसका कि बजट स्तर पर 2139.53 लाख रुपये का पूर्वानुमान लगाया गया।

स—अन्य हितलाभ के अन्तर्गत 8.01 लाख रुपये की व्यवस्था कर दी गई है जोकि बजट प्राक्कलन में 8.55 लाख रुपये थी।

16. शीर्ष-2 प्रशासन व्यय

(अ) प्रशासनिक खर्चों पर वर्ष 1974-75 के अन्तर्गत 702.17 लाख रुपयों के खर्च का अनुमान लगाया गया था जबकि बजट प्राक्कलन में यह 636.37 लाख रुपये था।

(ब) प्रशासनिक व्यय के उपबन्ध 1974-75 के चालू वर्ष के प्रथम आठ महीनों के वास्तविक आंकड़ों तथा बचे हुए चार महीनों की प्रत्याशित आवश्यकता के आधार पर तैयार किये गये हैं।

(स) निगम के कर्मचारियों के वेतनमानों का संशोधन :—निगम ने अपने कर्मचारियों के वेतनमान तथा अन्य सम्बन्धित मामलों पर विचार करने के लिए एक समिति का गठन किया है। आशा है कि यह समिति अपनी रिपोर्ट मार्च 1975 तक प्रस्तुत कर देगी। केन्द्रीय सरकार ने निगम के बहुत से वर्गों के वेतनमानों के संशोधन को अनुमति दे दी है और सम्बन्धित कर्मचारियों के वेतन या तो नियत कर दिये गये हैं या उन्हें नियत करने का कार्य प्रगति पर है। यह उन वर्गों के अतिरिक्त है जिनके वेतनमान 1973-74 में संशोधित कर दिये गये थे और इसका वित्तीय प्रभाव आंशिक तौर पर उस वर्ष के बजट में सम्मिलित कर लिया गया था।

(द) परिशोधित प्राक्कलनों के अनुसार प्रति व्यक्ति प्रशासकीय व्यय 16.27 रुपये प्रति बीमाकृत कर्मचारी प्रति वर्ष आता है। यह बड़ोतरी विशेषकर 1-1-73 से वेतनमानों व भत्तों के संशोधन के कारण व 1974-75 में बकाया राशि देने के अतिरिक्त कर्मचारियों को मंहगाई भत्ते की किश्तें देने के कारण हुई। आकस्मिक व्यय, कागज व मुद्रण के बहुत अधिक मूल्य बढ़ने के कारण बढ़े।

(ई) 1974-75 के परिशोधित प्राक्कलन में प्रत्याशित प्रशासन व्यय, कुल राजस्व का 9.68 प्रतिशत निकाला गया है जबकि 1973-74 में यह वास्तविक आंकड़ों के हिसाब से 7.72 प्रतिशत था।

17. (अ) शीर्ष 3 चिकित्सालय व औषधालय :—इस शीर्ष में (i) चिकित्सालय/औषधालय की इमारतों का मूल्यह्रास (24.83 लाख रुपये)

(ii) इन इमारतों की मरम्मत तथा अनुरक्षण (71.00 लाख रुपये) सम्मिलित हैं।

(ब) पूंजीगत निर्माण तथा आपात्कालीन आरक्षित निधि के लिये अंशदान आपात्कालीन आरक्षित निधि :—निगम की 17-3-73 को हुई बैठक में लिये गये निर्णय के अनुसार व्यय से अधिक आय के अतिशेष का 20 प्रतिशत एक विशेष निधि शीर्ष "आपात्कालीन आरक्षित निधि" में जमा करना है। तदनुसार चालू वर्ष के परिशोधित प्राक्कलन में 182 लाख रुपये का उपबन्ध कर दिया गया है।

पूंजीगत निर्माण आरक्षित निधि :—निगम ने अपनी 2 फरवरी, 1974 को हुई बैठक में विभिन्न राज्यों में क० रा० बी० परियोजना के पूंजीगत निर्माण कार्यक्रम पर पुनर्विचार किया तथा निर्णय लिया कि नियोजक व कर्मचारी अंशदानों से प्राप्त कुल राजस्व का 10 प्रतिशत 8:2 के अनुपात में अस्पतालों/औषधालयों/अन्य चिकित्सा संस्थानों तथा कार्यालय भवनों/स्टाफ क्वार्टरों की पूंजीगत निर्माण आरक्षित निधि में जमा कर दिया जाये।

तदनुसार 656 लाख रुपये का उपबन्ध 1974-75 के परिशोधित प्राक्कलनों में तथा 729 लाख का उपबन्ध 1975-76 के बजट प्राक्कलन में कर दिया गया है।

18. पूंजीगत लेखे पर व्यय :—पूंजीगत लेखे पर व्यय के लिये मूलतः 490.00 लाख रुपये की राशि रखी गई थी, जिसमें (i) कार्यालय की इमारतों (स्टाफ क्वार्टरों सहित) के निर्माण पर 86 लाख रुपये (ii) चिकित्सालयों व औषधालयों के निर्माण के लिये 402 लाख रुपये तथा (iii) स्टाफ कार के क्रय के लिये 2 लाख रुपये सम्मिलित हैं।

1974-75 के परिशोधित प्राक्कलन में 515.28 लाख रुपये की व्यवस्था निम्न प्रकार की गई :—

(अ) कार्यालय इमारतों (स्टाफ क्वार्टर सहित) :—1974-75 के बजट प्राक्कलन में दी गई 86 लाख रुपये की व्यवस्था को 1974-75 के परिशोधित प्राक्कलनों में 65 लाख रुपये तक घटा दिया गया है। यह वास्तविक आंकड़ों तथा प्रत्याशित अंशदानों की प्रवृत्ति पर आधारित है।

(ब) चिकित्सालयों तथा औषधालयों की इमारतें :—1974-75 के परिशोधित प्राक्कलन में इस शीर्ष के अन्तर्गत 402 लाख रुपये की व्यवस्था को बढ़ाकर 449 लाख रुपये, वास्तविक आंकड़ों तथा प्रत्याशित अंशदानों की प्रवृत्ति के आधार पर कर दिया गया है।

(स) स्टाफ कारें :—1974-75 के परिशोधित प्राक्कलन में स्टाफ कार के क्रय के लिये 1.62 लाख रुपये की व्यवस्था (मूल्यह्रास आरक्षित निधि में 34,000 रुपये सहित) की गई है। 1974-75 के बजट प्राक्कलन में यह 2 लाख रुपये थी।

19. राज्य सरकारों को ऋण :—स्थायी समिति ने अपनी 24 मई, 1968 की बैठक में महाराष्ट्र सरकार को चिकित्सालयों के निर्माण के लिये 300 लाख रुपये का एक उधार स्वीकृत किया था। केन्द्रीय सरकार के परामर्श के बाद में 234 लाख रुपये का ऋण चार वार्षिक किश्तों में देने का निर्णय किया गया था। जिसमें से प्रथम तीन किश्तें प्रत्येक 60 लाख रुपये की थी तथा एक अन्तिम किश्त 54 लाख रुपये की थी।

ऋण की प्रथम दो किश्तें राज्य सरकार द्वारा वर्ष 1971-72 तथा 1972-73 में ले ली गई थीं। महाराष्ट्र सरकार को 27,56,300 रुपये का एक और ऋण देने का प्रस्ताव केन्द्रीय सरकार/निगम के विचाराधीन है। तदनुसार 1974-75 के परिशोधित प्राक्कलन में तथा 1975-76 के बजट प्राक्कलन में क्रमशः 54 लाख रुपये तथा 27,56,300 रुपये की व्यवस्था की गई है।

20. व्यय से अधिक आय :—व्यय से अधिक आय का बजट के समय 799.18 लाख रुपये के अनुमान के स्थान पर 1974-75 के परिशोधित प्राक्कलन में अब 750.28 लाख रुपये का अनुमान है।

48.90 लाख रुपये की कमी का विश्लेषण निम्न प्रकार है :—

(अ) आय में वृद्धि :—

(लाख रुपये में)

राजस्व के अन्य शीर्ष जैसे किराया, व्याज आदि	55.16	327.02
(ब) निम्नलिखित पर व्यय में कमी		
(1) हितसाध	271.19	
(2) चिकित्सालय तथा औषधालय	0.67	

(स) क्षति पूर्ति द्वारा :

(1) अंशदानों में कमी	214.12	(-) 375.92
(2) प्रशासनिक व्यय में वृद्धि	65.80	
(3) पूंजीगत निर्माण तथा आपात्कालीन आरक्षित निधि	96.00	

1975-76 के लिये बजट प्राक्कलन

प्राप्ति

21. (अ) नियोजकों के विशेष अंशदान तथा कर्मचारियों के अंशदानों के द्वारा होने वाली आय का क० रा० बी० अधिनियम की अनुसूची-1 में बताई गई दर से, 7298.31 लाख रुपये का अनुमान है।

(ब) चिकित्सा हितलाभ पर निगम द्वारा प्रारम्भिक रूप से वहन किये गये व्यय में राज्य सरकारों का भ्रंश :

1975-76 के बजट प्राक्कलन में 'चिकित्सा हितलाभ' में प्रारम्भिक रूप से निगम के द्वारा वहन किये गये व्यय में राज्य सरकारों/संघ राज्यों का भ्रंश 'शीर्ष के अन्तर्गत' 45.91 लाख रुपये की राशि सम्मिलित की गई है। यह राशि 1974-75 में दिल्ली के बीमाकृत व्यक्तियों तथा उनके परिवारों को दी जाने वाली चिकित्सा सुविधा के प्रशासन पर, निगम द्वारा किये जाने वाले कुल खर्च में राज्य सरकार के भ्रंश की वसूली का प्रतिनिधित्व करती है।

(स) ब्याज तथा लाभान्न :

शेष रोकड़ अधिशेष के विनियोजन तथा निगम के कर्मचारियों को वाहन आदि के क्रयण, भवन निर्माण आदि के लिये दिये गये ऋण पर ब्याज तथा लाभान्न से भ्राय को भ्रंश 364.39 लाख रुपये की आशा है जबकि परिशोधित प्राक्कलन में यह राशि 346.33 लाख रुपये थी।

(व) निगम के निजी चिकित्सालयों तथा औषधालयों के भवनों का किराया :

निगम के निजी चिकित्सालयों तथा औषधालयों के भवनों के किराये के 178.58 लाख रुपये की राज्य सरकारों से वसूली की आशा है।

22. व्यय :

1975-76 के बजट प्राक्कलन के विभिन्न शीर्षों के अन्तर्गत दिये हुए उपबन्धों में 1974-75 के परिशोधित प्राक्कलन के तदनुसार उपबन्धों की अपेक्षा जो बढ़ती पाई जाती है, वह प्रधानतः निम्न कारणों से है—

- (i) बीमाकृत व्यक्तियों के परिवारों पर चिकित्सा सुविधा का विस्तार;
- (ii) नये क्षेत्रों में योजना का विस्तार;
- (iii) उन क्षेत्रों में योजना का परिचालन करना, जहाँ योजना का कार्यान्वयन 1973-74 में पूरे एक वर्ष के लिए किया गया था;

तथा

- (iv) योजना परिपालित क्षेत्रों में रोजगार तथा पारिश्रमिक में प्रत्याशित बढ़ीतरी।

23. अ—चिकित्सा हितलाभ :

चिकित्सा हितलाभ के लिये 1975-76 के बजट प्राक्कलन में 3339.17 लाख रुपये की व्यवस्था की गई है। यह व्यवस्था 1-4-1975 को कर्मचारियों को कल्पित संख्या के आधार पर की गई है जिसका कि अनुमान 31-3-1974 के आंकड़ों से 6% अधिक, योजना के विस्तार तथा योजना परिपालित क्षेत्रों में बढ़ती हुई रोजगारी की देखते हुए लगाया गया है जैसा कि परिशिष्ट II में दिखाया गया है। इसमें 221.05 लाख रुपये की राशि जोकि निगम ने सीधे ही दिल्ली संघ राज्य में 1975-76 में बीमाकृत व्यक्तियों तथा उनके परिवारों के चिकित्सा हितलाभ के लिये खर्च करनी है तथा 13.50 लाख रुपये महाराष्ट्र राज्य में प्रसूति शुल्क के लिये देने हैं, सम्मिलित हैं। पिछले का 1/8 भाग (13.50 लाख रुपये) राज्य सरकार के बाने में से काट लिया जायेगा जिसकी कि राज्य में चिकित्सा हितलाभ देने पर हुए व्यय की प्रतिपूर्ति करनी है।

24. ब—भूकष लाभ तथा स—ग्रन्थ हितलाभ :

विभिन्न भूकष लाभों के लिये तथा ग्रन्थ हितलाभों के लिये जो उपबन्ध बनाये गये हैं वे मुख्यतः 1974-75 के प्रथम 8 माह के वास्तविक आंकड़ों पर आधारित हैं। जिन नये क्षेत्रों के योजना के अन्तर्गत भाने की आशा है, लाभ अधि को प्रारम्भिक काल के लिये पर्याप्त उपबन्ध कर

दिया गया है। वर्ष के दौरान रोजगार जनित अतिवियों के कारण हुए ऐसे स्थायी (आंशिक व पूर्ण) अपंगता तथा आश्रितजन हितलाभ जो अब तक सामने आ चुके हैं/भाने की संभावना है, उनकी कुल देय धन राशि के पंजीकृत मूल्य की भी व्यवस्था कर ली गई है।

25. प्रशासन व्यय :

प्रशासन व्यय दो शीर्षों के अन्तर्गत दिखाये गये हैं। (अ) अधीक्षण तथा (ब) क्षेत्रीय कार्य। पैरा 9(ब) में दिये गये विचार के अधीन 'अ-अधीक्षण' शीर्ष के अन्तर्गत मुख्यालय तथा क्षेत्रीय कार्यालयों से सम्बन्धित प्रशासकीय व्यय आता है तथा (ब) 'क्षेत्रीय कार्य' शीर्ष के अन्तर्गत स्थानीय तथा निरीक्षण कार्यालयों से सम्बन्धित उसी प्रकार का खर्च आता है।

26. (अ) जो पत्र पहले से ही संस्वीकृत हो चुके हैं तथा उन पत्रों के लिये जो कुछ नये केन्द्रों के लिए अपेक्षित हैं, उनके वेतन तथा भत्तों की व्यवस्था भी कर ली गई है।

(ब) 1975-76 के बजट में 756.74 लाख रुपये की व्यवस्था प्रशासन सम्बन्धी खर्चों के लिए है जोकि प्रति बीमाकृत व्यक्ति प्रतिवर्ष 16.01 रुपये के लगभग आता है जबकि चालू वर्ष के परिशोधित प्राक्कलन में यह प्रति बीमाकृत व्यक्ति, प्रतिवर्ष 16.27 रुपये था।

(स) 1975-76 के बजट प्राक्कलन में अनुमानित प्रशासन व्यय कुल राजस्व का 9.45 प्रतिशत निकाला गया है जबकि 1974-75 के परिशोधित प्राक्कलन में यह 9.68% था।

(द) 'भत्ते तथा मानदेय' शीर्ष के अन्तर्गत दी गई व्यवस्था का विस्तृत विवरण परिशिष्ट VIII में दिया गया है।

27. आकस्मिक व्यय (अ-अधीक्षण तथा ब-क्षेत्रीय कार्य दोनों के अन्तर्गत) तथा स-ग्रन्थ खर्च :

विभिन्न उप-शीर्षों के अन्तर्गत किया गया उपबन्ध स्वतः स्पष्ट है जोकि मुख्यतः वर्ष 1974-75 के प्रथम 8 महीनों के वास्तविक आंकड़ों के आधार पर बनाया गया है।

28. शीर्ष 3—चिकित्सालय तथा औषधालय :

इस शीर्ष में निम्नलिखित उपबन्ध सम्मिलित हैं :—

(i) चिकित्सालय/औषधालय की इमारतें तथा चिकित्सा के उपकरणों का मूल्य ह्रास (25 लाख रुपये) ;

(ii) दन इमारतों की मरम्मत तथा अनुरक्षण (72.00 लाख रुपये)।

29. पूंजीकृत लेखा पर व्यय :

(अ) कार्यालय भवन (स्टाफ क्वार्टर सहित) :

वर्ष 1975-76 में 63 लाख रुपये की राशि कार्यालय भवनों (स्टाफ क्वार्टरों सहित) के निर्माण की लागत के लिये दी गई है।

(ब) चिकित्सालय तथा औषधालय की इमारतें :

1975-76 के बजट प्राक्कलन में 681.63 लाख रुपये की व्यवस्था चिकित्सालयों तथा औषधालयों के भवनों के निर्माण के लिये विभिन्न राज्य सरकारों के द्वारा अपेक्षित आश्वासकताओं के बारे में दी गई सूचना तथा निगम के द्वारा दी गई संस्वीकृति के आधार पर की गई है।

(स) स्टाफ कारें :

वर्ष 1975-76 के बजट प्राक्कलन में स्टाफ कारों के क्रयण के लिये 2.22 लाख रुपये (मूल्यह्रास आरक्षित निधि से 0.68 लाख रुपये सहित) का उपबन्ध किया गया है।

30. राज्य सरकारों को उधार :

ऊपर पैरा 19 में दी गई रीकॉमंडेशन के अन्तर्गत 1975-76 के बजट प्रावधान में 27,56,300 रुपयों की व्यवस्था की गई है।

31. व्यय से अधिक आय का प्रतिशेप :

1975-76 के बजट प्रावधान में व्यय से अधिक आय के प्रतिशेप का अनुमान 682.80 लाख रुपये है।

बैंकों में तथा हाथ में तक़द प्रतिशेप, आशा की जाती है कि निम्नलिखित होगा:—

31 मार्च 1975 4,04,70,704 रुपये

31 मार्च 1976 4,36,95,104 रुपये

ए० एस० सिमोर,

वित्तीय सलाहकार तथा मुख्य लेखा अधिकारी,
कर्मचारी राज्य बीमा निगम।

**EMPLOYEES' STATE INSURANCE CORPORATION
(REVISED ESTIMATES FOR THE YEAR 1974-75 &
BUDGET ESTIMATES FOR THE YEAR 1975-76)**

At their meetings held on the 1st and 2nd February, 1974, the Standing Committee and the Corporation approved the Budget Estimates of the receipts and expenditure of the Employees' State Insurance Corporation for the financial year 1974-75. These were approved by the Central Government vide Department of Labour & Employment letter No. 20017(2)/74-HI dated the 18th April, 1974.

2. The Budget Estimates approved by the Central Government covered:—

(i) measures needed for the running of the scheme in various centres where it had already been implemented; and

(ii) measures needed for the extension of the Scheme to new areas.

3. When the Budget Estimates for 1974-75 were framed, it was anticipated that (i) the Scheme would be extended to new areas and (ii) medical care would be extended to the families of the Insured Persons as per programme detailed in Appendix-I from the dates shown against each in columns 3 and 5 thereof. However due to administrative and other difficulties in making adequate medical arrangements by the State Governments concerned, the programme of implementation and extension of medical care to the families had to be modified. The Scheme was actually extended to some of the areas from dates later than those originally planned as per details shown in Column 4 of Appendix-I. As regards the areas where the Scheme has not so far been implemented, the revised dates of implementation as now anticipated have been stated against each item in appropriate columns of the above referred Appendix. The dates from which the medical care has been or is likely to be extended to families have also been similarly indicated in column 6 of Appendix-I.

4. As a result of further discussion and correspondence with the various State Governments, it is now anticipated that the Scheme will be implemented in new areas during the financial years 1974-75 and 1975-76 from the dates as shown in Appendix-II. For the sake of convenience, the places where the Scheme has already been implemented in the past, with dates of implementation, have also been embodied in this Appendix. The number of employees already covered or proposed to be covered has also been revised in the light of latest information available and incorporated in Appendix-II. The dates from which the medical care has been extended or is likely to be extended to the families of the insured persons have also been indicated against each item in this Appendix.

5. The Revised Estimates for the financial year 1974-75 and the Budget Estimates for the year 1975-76 have been prepared in the light of the revised programme of implementation except for slight modification to cover possible delay due to unforeseen reasons.

6. Recommendations of the Committee on perspective Planning relating to extension of the Scheme to additional sectors of employment.

The Report of the Committee on perspective Planning was approved by the Corporation in the meeting held on 8th August, 1973. The Central Government have since approved the recommendations of the Committee relating to the extension of the Scheme to Additional sectors of employment and desired that necessary action for implementation thereof should be initiated.

The implementation of these recommendations and actual extension of the Scheme will, however, depend primarily on the co-operation of the State Governments, who have been addressed on this subject. Unless they make necessary arrangements for providing medical care to the workers much head-way cannot obviously be made. Although no target dates have so far been fixed by any of the State Governments, the State Governments of Andhra Pradesh, Haryana, Punjab, Kerala, Delhi and West Bengal have issued notifications under Section 1(5) of the ESI Act, 1948 to cover new sectors of employment under the Scheme with effect from 29-3-1975.

Further, the Central Government's approval to the issue of notifications for coverage of new sectors has also been conveyed to the Governments of Assam, Bihar, Maharashtra, Karnataka and Union Territory of Chandigarh. The notifications by the State Governments are yet to be issued.

The probable number of employees and date(s) with effect from which new sectors of employment are expected to be covered are indicated in Appendix-II.

7. Budget Statements

The figures of actual receipts and expenditure during the financial years 1971-72, 1972-73 and 1973-74, the sanctioned Budget Estimates for the current financial year 1974-75 and the actuals for the first eight months of the current year 1974-75 have also been exhibited in the relevant columns of the tabulated Budget Statements A-I and A-II. These are submitted for consideration and approval.

8. The Statements A-I and A-II depict in column 9 the figures of Revised Estimates 1974-75 and in column 10, the figures of Budget Estimates 1975-76.

9. (a) Brief explanations for the more important items under the various heads are furnished in the following paragraphs. The Income and Expenditure Account for the year ending 31st March, 1975 together with the Balance Sheet as on that date and the Income and Expenditure Account for the year ending 31st March, 1976 together with the Balance sheet as on that date have been cast, based on the figures of income and expenditure as anticipated in the Revised Estimates 1974-75 and the Budget Estimates 1975-76 respectively. These are attached for perusal. In addition, the following statements are appended:—

ACTUALS

1. Statement showing the Income and Expenditure region-wise for the year 1971-72.

Appendix-III

2. Statement showing the Income and Expenditure region-wise for the year 1972-73.

Appendix-IV

3. Statement showing the Income and Expenditure region-wise for the year 1973-74.

Appendix-V

BUDGET

4. Statement showing the anticipated Income and Expenditure region-wise for the year 1974-75.

Appendix-VI

5. Statement showing the Budgeted Income and Expenditure region-wise for the year 1975-76.

Appendix-VII.

(b) The transactions shown under the heading 'Headquarters' in the above statements include expenditure on certain centralised items of expenditure incurred in respect of Regional and Local Offices also e.g. contribution to the Provident Fund of the employees of the Corporation and Pension Reserve Fund, Leave and Pension Contribution payable in respect of Government servants on deputation in the Corporation, publicity expenditure on contribution stamps, audit fees etc.

10. Contributions

Chapter V-A of the ESI, Act, 1948 having been repealed with effect from the 1st July, 1973, the mode of collection of contributions from the employers has changed. A combined contribution representing both the employers' and the employees' shares is now being recovered through a single contribution stamp at the rates given in Schedule-I of the E.S.I. Act.

11. Medical Benefits

(a) The expenditure under the head "A-Medical Benefits", but for the Union Territory of Delhi where the Scheme is directly administered by the Corporation, is initially incurred by the State Governments and is later shared between the Corporation and the State Governments in the prescribed ratio of 7 : 1. The provision made under this head is intended to cover the Corporation's share of the expenditure.

(b) Ceiling on Expenditure on Medical Benefits

The ceilings of shareable expenditure on medical benefits per employee per annum have been revised as follows with effect from 1st April, 1974 :—

- (i) From Rs. 63 to Rs. 65 in the areas where restricted medical care is provided.
- (ii) From Rs. 67 to Rs. 70 in areas where expanded medical care is provided.
- (iii) From Rs. 80 to Rs. 85 in areas where full medical care is provided.

(c) Payments to State Governments

The Corporation makes during the year 'on account' payments to the extent of about 90 per cent of its share of expenditure on medical benefits, on the basis of expenditure statements received from the State Governments, subject to adjustment on receipt of audit certificates from the respective State Accountant General.

(d) Expenses incurred directly by the Corporation

The provision made under the head "Medical treatment and care and maternity facilities, (expenses incurred directly by the Corporation)", includes the estimated cost of administration of the Medical care to the Insured Persons and their families in the Union Territory of Delhi, taken over by the Corporation with effect from 1st April, 1962. The anticipated recovery at the rate of 1/8th of shareable amount and the excess of expenditure over the ceilings have been taken into account in the Revised Estimates 1974-75 and Budget Estimates 1975-76 on the Revenue side under the head "State Government/Union Territories share towards medical benefits initially incurred by the Corporation."

REVISED ESTIMATES FOR THE YEAR 1974-75

12. Receipts

(a) The revenue of the Corporation for the current year 1974-75 is now estimated at Rs. 7251.40 lacs as against Rs. 7410.36 lacs assumed in the Budget i.e. a decrease of Rs. 158.96 lacs.

(b) The decrease in revenue comprises of contributions (Rs. 214.12 lacs), offset by increases in other heads of revenue Rs. 55.16 lacs).

(d) Interest and Dividends

Receipt on account of interest and dividends from the investments of surplus cash balance and interest on advances

granted to Corporation employees for the purchase of conveyances, house building purposes etc., are expected to be Rs. 346.33 lacs as against the Budget Estimates for Rs. 252.42 lacs. The increase is mainly due to larger amounts being available for investment under the revised procedure regarding the collection, distribution and investment of Corporation's funds through a Centralised Account opened on 1-9-1971 with the State Bank of India, New Delhi which has enabled even short term investment of funds surplus to the immediate requirements and also due to general increase in the rates of interest approved by the banks.

(e) Rent of Hospital and Dispensary Buildings owned by the Corporation.

The income of the Corporation from rent of ESI Hospital and Dispensary Buildings together with the residential staff quarters attached thereto is anticipated to be Rs. 179.58 lacs. The rent so recovered will form a part of the shareable expenditure incurred by the State Governments on the provision of medical benefits to the insured persons and would, thus, be automatically apportioned between the Corporation and the State Governments in the prescribed ratio of 7 : 1.

EXPENDITURE

13. The expenditure on Revenue Account in the current year 1974-75 is now estimated to be Rs. 6501.12 lacs as against Rs. 6611.18 lacs assumed in the Budget i.e. a decrease of Rs. 110.06 lacs.

14. Head-I—Benefits to Insured Persons and their families.

A—Medical Benefit

Subject to the contents of para 11(c) ante the total provision under this head is Rs. 2859.82 lacs which comprises of Rs. 2706.62 lacs as Corporation's share of expenditure on medical treatment and equipment for hospitals, Rs. 141.20 lacs as expenditure on Medical Benefits in Delhi where the Scheme is directly administered by the Corporation and Rs. 12.00 lacs towards the payment of confinement fees payable under the Scheme to the Insured Women and wives of Insured persons in Maharashtra Region. In respect of Delhi, the recovery of 1/8th expenditure and expenditure in excess of the ceilings have been taken into account on the receipts side of the Budget in 1975-76 when the amount is likely to be realised. The 1/8th amount due from Maharashtra will be adjusted when reimbursing their claim for expenditure on medical benefits.

15. B—Cash Benefits and C—Other Benefits.

The Revised provision under Cash Benefits now stands at Rs. 1997.29 lacs as compared to Rs. 2139.53 lacs anticipated at the Budget Stage.

A provision of Rs. 8.01 lacs has been made against Budget Estimates of Rs. 8.55 lacs under C—Other benefits.

16. Head-2—Administration Expenses

(a) The total Administration Expenses during the year 1974-75 are anticipated to be Rs. 702.17 lacs as against Rs. 636.37 lacs originally provided for in the Budget Estimates.

(b) The provision for Administration Expenses has been made on the basis of actuals for the 1st 8 months of the current year 1974-75 and the anticipated requirements for the remaining four months.

(c) Revision of Pay-Scales of the Corporation Employees

The Corporation has set up a committee for reviewing the pay structure and allied matters of their employees. The committee is likely to submit its report by March, 1975. The Central Government have given clearance to the revision of pay scales of several categories of posts in the Corporation and the fixation of pay of concerned employees has either been finalised or is in progress. This is in addition to many categories where pay scales were revised in 1973-74 and the financial effect of which was partly included in that year's budget.

16. (d) The per capita administrative expenditure as per the Revised Estimates comes to Rs. 16.27 per insured employee per annum. The increase is mainly due to revised pay and allowances related to the period from 1-1-1973 and the

instalments of dearness allowance released to the staff besides the amount of arrears paid in 1974-75. The contingent charges have increased due to high cost of paper, printing etc.

16. (e) The percentage of anticipated Administration Expense to total Revenue in the Revised Estimates 1974-75 works out to 9.68 against 7.72 in the actuals for 1973-74.

17. (a) Head-3—Hospital/Dispensaries :

The provision under this head comprises of (i) Depreciation of Hospital/Dispensary buildings (Rs. 24.83 lacs), (ii) Repair & Maintenance of these buildings (Rs. 71.00 lacs).

(b) Contributions to Capital construction & Emergency Reserve Funds :

EMERGENCY RESERVE FUND

As decided by the Corporation in their meeting held on 17th March, 1973, 20 per cent of the excess of income over expenditure is to be credited to a special fund captioned as "Emergency Reserve Fund". Accordingly provisions of Rs. 182 lacs and Rs. 168 lacs have been made in the Revised Estimates for the current year and Budget Estimates for the next year respectively.

CAPITAL CONSTRUCTION RESERVE FUND

The Corporation in their meeting held on 2nd February, 1974 reviewed the Capital Construction Programme of the E.S.I. projects in various States and decided that 10 per cent of the total revenue derived from Employers' and Employees' Contributions be credited to the Capital Construction Reserve Fund of Hospitals/Dispensaries/Other Medical Institutions and office buildings/staff quarters in the ratio of 8 : 2.

Accordingly provisions of Rs. 656 lacs and Rs. 729 lacs have been made in the Revised Estimates for 1974-75 and Budget Estimates for 1975-76 respectively.

18. Expenditure on Capital Account :

The amount originally provided for expenditure on Capital Account was Rs. 490.00 lacs comprising of (i) Rs. 85 lacs for the construction of office buildings (including staff quarters), (ii) Rs. 402 lacs for the construction of hospitals & dispensaries, and (iii) Rs. 2 lacs for the purchase of staff cars.

The provision for Rs. 515.28 lacs has been made in the Revised Estimates 1974-75 as follows :—

(a) Office Buildings (including staff quarters) :

The provision of Rs. 86 lacs made in the Budget Estimates for 1974-75 has been reduced to Rs. 65 lacs in Revised Estimates for 1974-75. This is based on the trend of actuals and anticipated payments.

(b) Buildings of Hospitals & Dispensaries :

The provision of Rs. 402 lacs under this head has been enhanced to Rs. 449 lacs in the Revised Estimates for 1974-75 on the basis of trend of actuals and anticipated payments.

(c) Staff Cars :

A provision of Rs. 1.62 lacs (including Rs. 34,000 out of Depreciation Reserve Fund) has been made for the purchase of staff cars in the Revised Estimates 1974-75, against Rs. 2 lacs provided in the Budget Estimates 1974-75.

19. Loans to State Governments

The Standing Committee at its meeting held on 24th May, 1968 sanctioned a loan of Rs. 300 lacs to the State Govern-

ment of Maharashtra for the construction of Hospitals etc. It was subsequently decided in consultation with the Central Government to make a loan of Rs. 234 lacs to the State Government in four yearly instalments, the first three instalments being of Rs. 60 lacs each and the last one of Rs. 54 lacs.

The first three instalments of the said loan were drawn by the State Government during the years 1971-72, 1972-73 and 1973-74. Another proposal to grant a loan of Rs. 27,56,300 to Maharashtra Government is also under consideration of the Central Government/Corporation. Accordingly provisions of Rs. 54 lacs and Rs. 27,56,300 have been made in the Revised Estimates for the year 1974-75 and Budget Estimates 1975-76 respectively.

20. Excess of Income over Expenditure.

Against a surplus of Rs. 799.18 lacs estimated at the Budget Stage, excess of income over expenditure of Rs. 750.28 lacs has been anticipated in the Revised Estimates 1974-75. The shortfall of Rs. 48.90 lacs over the original estimates is analysed below :—

	Rs. in lacs	
(a) Increase in income		
Other heads of Revenue e.g.		
Rents, interests etc.	55.16	
(b) Decrease in expenditure on:—		327.02
(i) Benefits	271.19	
(ii) Hospitals & Dispensaries	0.67	
(c) Offset by:—		
(i) Fall in contributions	214.12	
(ii) Increase in Administrative expenditure	65.80	(—)375.92
(iii) Capital Construction & Emergency Reserve Funds	96.00	
Net		(—)48.90

BUDGET ESTIMATES FOR THE YEAR 1975-76

21. Receipts.

(a) Income on account of Employer's and Employees' contributions has been estimated as Rs. 7298.31 lacs at the rates prescribed in Schedule-I of the E.S.I. Act.

(b) State Governments' share towards Medical Benefits initially incurred by the Corporation.

An amount of Rs. 45.91 lacs has been included in the Budget Estimates for the year 1975-76 under the head "State Governments/Union Territories share towards Medical benefits initially incurred by the Corporation." This represents recovery of the State Governments' share of the expenditure likely to be incurred by the Corporation on the administration of medical care to the Insured Persons and their families in Delhi during 1974-75.

(c) Interest and Dividends.

Receipts on account of interest and Dividends from the investment of surplus cash balance and interest on advances granted to Corporation employees for the purchase of conveyances, house building purposes etc., are expected to be Rs. 364.39 lacs as against the Revised Estimates of Rs. 346.33 lacs.

(d) Rent of Hospital and Dispensary Buildings owned by the Corporation.

A sum of Rs. 178.58 lacs is expected to be recovered from the State Governments on account of rent of the Hospital and Dispensary buildings owned by the Corporation.

22. Expenditure.

The increased provision under the various heads in the Budget Estimates for the year 1975-76, as compared to corresponding provision in the Revised Estimates for the year 1974-75, is mainly due to :—

- (i) The extension of medical care to the families of Insured Persons ;
- (ii) the extension of the Scheme to new areas ;
- (iii) the operation of the Scheme in areas where the implementation was brought about during the year 1973-74 for a full year ; and
- (iv) expected increase in employment and wages in the implemented areas.

23. A—Medical Benefits.

A total provision of Rs. 3,339.17 lacs has been made in the Budget Estimates 1975-76 for medical benefits on the basis of assumed number of employees as on 1-4-1975, which has been estimated at 6 per cent higher than the figures as on 31-3-1974 as detailed in Appendix-II taking into account the extension of implemented areas. It includes Rs. 221.05 lacs to be incurred directly by the Corporation during 1975-76 for providing medical care to the Insured Persons and their families in the Union Territory of Delhi and also Rs. 13.50 lacs to be spent directly by the Corporation towards payment of confinement fees in the State of Maharashtra. 1/8th of the latter (Rs. 13.50 lacs) will be deducted from the claim of State Government for the reimbursement of expenses incurred by it on the provision of medical benefits to the Insured Persons in the State.

24. B—Cash Benefits & C—Other Benefits.

Provision made for the various cash benefits and other benefits is based mainly on the Actuals for the first 8 months of the year 1974-75. Due allowance has, however, been made for commencement of Benefit periods in the new areas, expected to be covered under the Scheme. The capitalised value of the total liabilities of the permanent (Partial & total) Disablement and Dependents' Benefits already arisen/expected to arise out of the employment injuries occurring in the course of the year have also been provided for.

25. Administration Expenses.

The Administration Expenses have been exhibited under two heads, viz. "(A)-Superintendence" and "(B)-Field Work". Subject to the remarks in para 9(b), the head "A-Superintendence" embraces Administrative Expenditure relating to the Headquarters and the Regional Offices while 'B-Field Work' covers similar expenditure pertaining to the local and Inspection Offices.

26. (a)—Provision on account of pay and allowances has been made for the posts which have already been sanctioned as also for posts required for certain new centres.

(b) A total provision of Rs. 756.74 lacs has been made in the Budget for the year 1975-76 for Administration Expenses which

works out *per capita* to about Rs. 16.01 per insured employee per annum, against Rs. 16.27 per insured employee per annum in the Revised Estimates of the current year.

(c) The percentage of estimated Administration Expenses to total Revenue in the Budget Estimates, 1975-76 works out to 9.45 as against 9.68 in the Revised Estimates, 1974-75.

(d) A statement showing detailed provision made under the head 'Allowances and Honoraria' is attached *vide* Appendix-VIII.

27. Contingencies (Both under-A—Superintendence and B—Field Work) and C—Other Charges.

The provision under the various sub-heads which are self-explanatory has been made mainly on the basis of Actuals for the first 8 months of the year 1974-75.

28. Head-3—Hospitals, Dispensaries.

The provision under the head comprises of :—

- (i) Depreciation of Hospital/Dispensary buildings and Medical equipments (Rs. 25 lacs).
- (ii) Repair and Maintenance of these buildings (Rs. 72 lacs).

29. Expenditure on Capital Account.

(a) Office Buildings (including staff quarters).

A sum of Rs. 65 lacs has been provided in the year 1975-76 to cover the cost of construction of office buildings (including staff quarters).

(b) Hospital and Dispensary Buildings.

A provision of Rs. 681.63 lacs has been made in the Budget Estimates for the year 1975-76 for the construction of Hospital and Dispensary Buildings on the basis of requirements intimated by the various State Governments and sanctions accorded by the Corporation for the same.

(c) Staff Cars.

A provision of Rs. 2.22 lacs (including Rs. 0.68 lac out of Depreciation Reserve Fund) has been made in the Budget Estimates for the year 1975-76 for the purchase of staff cars.

30. Loans to State Governments.

Subject to remarks in para 19 above, a provision of Rs. 27,56,300 has been made in the Budget Estimates 1975-76.

31. Excess of income over Expenditure.

A surplus of income over expenditure amounting to Rs. 682.80 lacs has been anticipated in the Budget Estimates 1975-76.

The closing Cash Balance with the Banks and in hand is expected to be as follow :—

31st March, 1975—Rs. 4,94,70,704.

31st March, 1976—Rs. 4,36,95,104.

A. S. SEYMOUR, Financial Adviser
and Chief Accounts Officer,
Employees' State Insurance Corporation.

कर्मचारी राज्य बीमा निगम
EMPLOYEES' STATE INSURANCE CORPORATION
वर्ष 1974-75 के लिये परिष्कृत प्राक्कलन तथा
REVISED ESTIMATES FOR THE YEAR 1974-75 &
वर्ष 1975-76 के लिये बजट प्राक्कलन
BUDGET ESTIMATES FOR THE YEAR 1975-76

Sec 3(ii)

THE GAZETTE OF INDIA : JANUARY 24, 1976/MAGHA 4, 1897

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BUDGET ESTIMATES FOR THE YEAR 1975-76

विवरण—'अ'-1

STATEMENT—'A'-I

RECEIPTS

क्रम संख्या	लेखा के शीर्ष	वास्तविक आंकड़े			चालू वर्ष 1974-75 के लिये स्वीकृत बजट प्राक्कलन	चालू वर्ष 1974-75 के लिये परिष्कृत प्राक्कलन	अगले वर्ष 1975-76 के लिये बजट प्राक्कलन		
Sl. No.	Head of Accounts	Actuals for the year			Sanctioned Budget Estimates for the current, year 1974-75	Revised Estimates for the Current Year 1974-75			
		1971-72	1972-73	1973-74		चालू वर्ष 1974-75 के प्रथम आठ महीनों के वास्तविक आंकड़े Actuals for first 8 months of the current year 1974-75	चालू वर्ष 1974-75 के ज्येष्ठ चार महीनों के प्रत्याशित आय प्राक्कलन Anticipated receipts of the remaining 4 months of the current year 1974-75	चालू वर्ष 1974-75 के लिये परिष्कृत प्राक्कलन (खाना 7, + 8) Revised Estimates for the current year 1974-75 (Col. 7+8)	Budget Estimates for the next year 1975-76
1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
राजस्व के प्रधान शीर्ष:—									
I. Principal Heads of Revenue:									
अंशदान :—									
Contributions :									
नियोक्ताओं तथा कर्मचारियों का अंश									
	Employer's and Employees' Shares	51,04,85,822	58,77,89,019	64,56,39,680	67,74,58,000	42,71,97,189	22,88,48,811	65,60,46,000	72,98,31,000
चिकित्सा लाभ पर निगम द्वारा प्रारम्भिक रूप में किए गये व्यय में राज्य सरकारों/संघ राज्यों के अंश									
	State Government's/Union Territories' share towards medical benefits initially incurred by the Corporation	7,50,000	..	19,90,000	27,60,000	22,50,000	26,71,000	49,21,000	45,91,000
राजस्व के अन्य शीर्ष :									
OTHER HEADS OF REVENUE :									
सहायक अनुदान									
II.	Grant-in-aid	7,00,000	..	..	..	2,000	..	2,000	..
ब्याज तथा लाभांश									
III.	Interests & Dividends	37,04,897	1,02,65,026	2,26,70,415	2,52,42,000	2,04,64,602	1,41,68,398	3,46,33,000	3,64,39,000

	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
श्रवण								
IV Compensations	45,07,120	28,88,071	1,14,512	76,92,000	7,82,596	95,67,904	1,03,50,500	1,03,58,000
किराया, महसूल तथा कर :								
V Rents, Rates & Taxes :								
निगम के कार्यालयों पर (स्टाफ क्वार्टरों सहित)								
(i) Offices of the Corporation (including staff Qrs.)	3,45,633	3,51,400	7,75,511	3,95,000	3,76,283	47,717	4,24,000	4,57,000
चिकित्सालय, औषधालय तथा स्टाफ क्वार्टरों								
(ii) Hospitals, Dispensaries & Staff Quarters	1,45,18,882	2,19,34,068	2,14,00,046	2,66,00,000	4,316	1,79,53,684	1,79,58,000	1,78,58,000
शुल्क, जुर्माना तथा अविहरण								
VI Fees, Fines & Forfeitures	26,350	1,00,144	94,868	71,000	52,732	10,268	63,000	72,000
विविध								
VII Miscellaneous	8,22,992	9,33,139	10,91,462	8,18,000	4,89,592	2,52,908	7,42,500	8,67,500
कुल राजस्व								
TOTAL REVENUE	53,58,61,696	62,42,60,867	69,37,76,494	74,10,36,000	45,16,19,310	27,35,20,690	72,51,40,000	80,04,74,000
ऋण, जमा, अग्रिम व प्रेषित धन :								
Debt, Deposits, Advances & Remittances :								
साधारण ऋण :								
Ordinary Debts :								
राज्य सरकार द्वारा ऋण की वापसी								
Loans refunded by State Government	3,33,333	3,33,333	11,33,333	7,33,000	7,33,333	4,00,067	11,33,400	15,33,400
योग								
Total	3,33,333	3,33,333	11,33,333	7,33,000	7,33,333	4,00,067	11,33,400	15,33,400
निधिसूक्त ऋण :								
Unfunded Debt :								
निगम की सामान्य निधि :								
ESIC General Provident Fund :								
कर्मचारियों का चन्दा								
Employees' Subscription	35,45,118	40,15,272	45,87,768	50,00,000	42,20,252	12,11,748	54,32,000	58,00,000
कर्मचारियों के चन्दे पर व्याज								
Interest on Employees' Subscription	6,20,942	7,56,043	8,60,298	9,70,000	..	11,00,000	11,00,000	12,40,000
क०रा०दी०नि० अग्रदायी अविष्य निधि								
ESIC Contributory Provident Fund :								
कर्मचारियों का चन्दा								
Employees' Subscription	6,85,437	7,72,339	7,21,300	9,00,000	5,67,483	1,69,517	7,37,000	8,00,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	निगम का अंशदान								
	Corporation's Contribution	2,22,447	1,94,015	2,21,221	2,40,000	..	2,40,000	2,40,000	2,60,000
	निम्नलिखित पर व्याज :								
	Interest On :								
	कर्मचारियों का चन्द								
	Employees' Subscription	1,64,212	1,85,572	1,84,652	2,20,000	..	2,20,000	2,20,000	2,50,00
	निगम का अंशदान								
	Corporation's Contribution	1,20,572	1,23,735	1,37,432	1,65,000	..	1,58,000	1,58,000	1,68,000
	कम : पेंशन आरक्षित निधि को हस्तांतरित राशि								
	Less : amount transferred to Pension Reserve Fund . . . . .	..	..	..	..	..	..	..	..
	कूल निधिमूक्त ऋण								
	Total Unfunded Debt	53,58,728	60,46,976	67,12,671	74,95,000	47,87,735	30,99,265	78,87,000	85,18,000
	जमा, अग्रिम और आरक्षित निधि :								
	Deposits, Advances & Reserve Fund :								
	निगम के कार्यालयों की इमारतों (कर्मचारियों के क्वार्टरों सहित)								
	को मूल्यहास आरक्षित निधि								
	Depreciation Reserve Fund Account of Buildings for the								
	Offices of the Corporation (including staff quarters)								
	निधि को हस्तांतरित वार्षिक मूल्यहास व्यय								
	(i) Annual Depreciation Charges transferred to Fund	1,48,404	1,48,404	1,52,397	1,80,000	..	1,83,000	1,83,000	1,85,000
	विनियोजन पर उपचित व/या वसूल किया व्याज								
	(ii) Interest accrued &/or realised on investments	64,824	71,307	88,950	1,08,000	84,278	1,33,000	11,33,000	1,78,000
	चिकित्सालयों तथा परीक्षण केन्द्रों के उपकरणों का मूल्यहास आरक्षित								
	निधि								
	Depreciation Reserve Fund on A/c of equipments in								
	Hospital & Examination Centres								
	निधि को हस्तांतरित वार्षिक मूल्यहास व्यय								
	(i) Annual Depreciation Charges transferred to Fund	1,035	257	(—)86,230	..	..	..	..	..
	विनियोजन पर उपचित व/या वसूल किया व्याज								
	(ii) Interest accrued &/or realised on investments	3,625	6,15,146	5,476	6,000	..	..	..	..
	चिकित्सालयों की इमारतों का मूल्यहास आरक्षित निधि लेखा								
	Depreciation Reserve Fund Account of Hospital Build-								
	ings.								
	निधि को हस्तांतरित वार्षिक मूल्यहास व्यय								
	(i) Annual Depreciation Charges transferred to Fund	16,44,584	23,26,638	25,69,608	25,50,000	..	24,93,000	24,93,000	25,00,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
वार्षिक राशि का निधि में हस्तांतरण									
(i) Annual amount transferred to the fund	.	2,14,37,135	2,75,49,000	3,03,95,000	3,39,86,000	..	3,04,16,000	3,04,16,000	3,81,99,000
विनियोजन पर उपचित व/या वसूल किया गया व्याज									
(ii) Interest accrued &/or realised on investments	.	37,75,715	43,21,557	55,07,639	66,68,400	49,34,878	28,54,122	77,89,000	96,63,000
कम : वर्ष में वास्तविक भुगतान									
Deduct : Actual payments during the year	.	(—)2,05,59,586	(—)2,18,54,334	(—)2,40,33,691	(—)2,45,51,000	..	(—)2,51,10,000	(—)2,51,10,000	(—)2,80,96,000
आश्रितजन हितलाभ आरक्षित निधि :									
Dependent's Benefit Reserve Fund Account :									
वार्षिक राशि का निधि में हस्तांतरण									
(i) Annual amount transferred to fund	.	41,98,506	62,05,000	1,12,73,000	94,80,000	..	97,49,000	97,49,000	1,41,99,000
विनियोजन पर उपचित और/वा वसूल किया गया व्याज									
(ii) Interest accrued &/or realised on investments	.	16,63,433	21,31,018	25,43,489	33,18,000	27,37,737	14,80,063	42,17,800	54,05,000
कम : वास्तविक वार्षिक अदायगी									
Deduct : Actual payments during the year	.	(—)30,59,344	(—)36,50,808	(—)42,45,871	(—)46,01,000	..	(—)50,97,000	(—)50,97,000	(—)57,98,000
निगम के कर्मचारियों के लिये पेंशन आरक्षित निधि :									
Pension Reserve Fund Account for employees of the Corporation :									
निधि को हस्तांतरित वार्षिक अंशदान									
(i) Annual contribution transferred to fund	.	1,02,96,500	27,82,613	30,85,393	33,70,000	..	37,74,800	37,74,800	41,59,000
विनियोजन पर उपचित व/या वसूल किया गया व्याज									
(ii) Interest accrued &/or realised on investments	.	12,69,916	21,41,874	24,80,968	29,40,000	23,70,321	13,68,679	37,39,000	48,03,000
कम : वास्तविक वार्षिक अदायगी									
Deduct : Actual payments during the year	.	(—)2,73,335	(—)2,69,512	(—)3,91,349	(—)3,50,000	..	(—)5,00,000	(—)5,00,000	(—)5,50,000
निगम के कर्मचारियों के लिये अनुकंपा आरक्षित निधि :									
Compassionate Reserve Fund for the employees of the Corporation									
	.	2,634	3,500	11,000	8,000	..	12,000	12,000	10,000
कम : वास्तविक वार्षिक अदायगी									
Deduct : Actual payments during the year	.	(—)2,634	(—)3,500	(—)11,000	(—)8,000	..	(—)12,000	(—)12,000	(—)10,000
पूंजीगत निर्माण/चिकित्सा (संचित) दायित्व आरक्षित निधि :									
Capital Construction Reserve Fund									
निधि को हस्तांतरित राशि									
(i) Amount transferred to the fund	.	4,04,35,000	4,80,00,000	6,46,00,00	5,42,00,000	..	6,56,00,000	6,56,00,000	7,29,00,000
विनियोजन पर उपचित व/या वसूल किया गया व्याज									
(ii) Interest accrued &/or realised on investments	28,83,000	45,79,000	43,74,192	24,00,808	67,75,000	93,00,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
कम : वर्ष में वास्तविक भुगतान									
Deduct: Actual payments during the year	(—)5,70,22,913	..	..	..	..	..	..	..	..
आपतकालीन आरक्षित निधि :									
Emergency Reserve Fund :									
वार्षिक राशि का निधि में हस्तांतरण									
(i) Amount transferred to the fund . . . . .	..	..	2,36,00,000	2,00,00,000	..	1,82,00,000	1,82,00,000	1,68,00,000	
विनियोजन पर उपचित व/या वसूल किया व्याज									
(ii) Interest accrued &/or realised on investments . . . . .	..	..	23,56,000	65,00,000	30,18,533	16,81,467	47,00,000	73,30,000	
कुल आरक्षित निधि									
Total Reserve funds	(—)91,90,548	(—)7,81,18,852	12,88,21,689	12,78,26,000	2,01,57,698	11,82,84,902	13,84,42,600	16,35,56,600	
जमा :									
Deposits :									
जमानत जमा									
Deposits of Securities	1,71,333	1,30,147	96,927	1,30,000	2,32,899	1,17,101	3,50,000	2,00,000	
अन्य जमा (शुद्ध)									
Other Deposits (net)	7,54,795	..	8,66,602	8,00,000	23,11,145	21,88,855	45,00,000	46,00,000	
कुल जमा :									
Total Deposits	9,26,128	1,30,147	9,63,529	9,30,000	24,44,044	23,05,956	48,50,000	48,00,000	
अग्रिम :									
Advances :									
स्थायी अग्रिम									
Permanent Advances	5	121	751	1,000	21	179	200	200	
निगम के कर्मचारियों को अग्रिम :									
Advances to the Employees of the Corporation :									
स्थानांतरण पर अग्रिम वेतन									
(i) Advance of pay on transfer	90,239	86,890	95,710	1,30,000	56,231	23,769	80,000	1,00,000	
स्थानांतरण पर अग्रिम यात्रा भत्ता									
(ii) Advance of T.A. on transfer	1,00,975	1,06,083	1,06,338	1,20,000	42,844	27,156	70,000	75,000	
मोटर वाहन के क्रय के लिये अग्रिम									
(iii) Advance for the purchase of Motor conveyances	3,01,843	2,95,794	3,65,748	3,80,000	2,50,916	1,49,084	4,00,000	5,00,000	
अन्य वाहन के क्रय के लिये अग्रिम									
(iv) Advance for the purchase of other conveyances	2,05,097	2,03,409	2,06,273	2,80,000	1,59,924	90,076	2,50,000	3,00,000	

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	गृह निर्माण के लिये अग्रिम राशि								
(v)	House Building advances	42,487	97,193	1,63,511	2,00,000	2,00,326	(—)326	2,00,000	2,50,000
	विविध								
(vi)	Miscellaneous	7,39,074	9,46,091	10,14,864	10,50,000	4,12,000	2,87,400	7,00,000	6,80,000
	अन्य अग्रिम								
(c)	Other Advances :								
	राज्य सरकारों की ओर से अग्रिम अदायगी								
(i)	Advance payments on behalf of State Governments	5,424	4,634	194	4,000	4,728	272	5,000	4,000
	राज्य सरकारों/राजकीय लोक निर्माण विभागों की मरम्मत और अनुरक्षण इत्यादि के लिये अग्रिम :								
(ii)	Advance to the State Governments/State P.W.Ds. for repairs & Maintenance etc. of :								
	निगम के कार्यालयों (स्टाफ क्वार्टरों सहित) के लिये इमारतें								
(a)	Buildings for offices of the Corporation (including staff quarters) . . . . .	..	83,635	86,704	5,00,000	1,11,499	88,501	2,00,000	2,25,000
	चिकित्सालय तथा औषधालय/उप भवन								
(b)	Hospitals & Dispensaries/Annexes	20,33,881	6,82,530	30,55,485	10,00,000	..	3,00,000	3,00,000	3,50,000
	राज्य सरकारों को अग्रिम बीमा न्यायालय के लिये								
(iv)	Advances to State Governments in respect of Insurance courts . . . . .	..	..	..	..	..	..	..	..
	विविध								
(v)	Miscellaneous	1,77,870	1,69,850	3,22,793	2,50,000	1,94,584	1,30,416	3,25,000	3,50,000
	कुल अग्रिम								
	Total Advances	36,96,895	26,76,230	54,18,371	39,15,000	14,33,673	10,96,527	25,30,200	28,34,200
	प्रेषित (शुद्ध) :								
	Remittances (net)								
	नकद प्रेषित धन								
	Cash Remittances	6,87,455	9,54,341	59,65,059	30,00,000	..	40,00,000	40,00,000	40,00,000
	अन्य प्रेषित धन								
	Other Remittances . . . . .	..	10,609	..	2,00,000	..	2,03,786	2,03,786	2,00,000
	प्रेषित धन का योग]								
	Total Remittances	6,87,455	9,54,950	59,65,059	32,00,000	..	42,03,786	42,03,786	42,00,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
कुल ऋण, जमा अग्रिम और प्रेषित धन	Total Debts, Deposits, Advances and Remittances	(—)2,01,93,087	(—)8,82,60,488	(—)4,90,14,852	14,40,99,000	2,96,56,483	12,93,90,503	15,90,46,986	18,54,42,200
कुल प्राप्तियाँ	Total Receipts	55,60,54,783	71,25,21,355	84,27,91,346	88,51,35,000	48,12,75,793	40,29,11,193	88,41,86,986	93,59,16,290
प्रारम्भिक योग	Opening Balance	4,65,46,749	4,14,34,495	3,08,23,302	3,62,23,865	4,57,30,418	..	4,57,30,418	4,94,70,704
महायोग	Grand Total	60,26,01,532	75,39,55,850	87,36,14,648	92,13,58,865	52,70,06,211	40,29,11,193	92,99,17,404	1,03,53,86,904

N.B.—The detailed heads under which no figure appear have been omitted.

A.S. SEYMCUR
Financial Adviser and Chief Accounts Officer
Employees' State Insurance Corporation

कर्मचारी राज्य बीमा निगम
EMPLOYEES' STATE INSURANCE CORPORATION
वर्ष 1974-75 के लिए परिशोधित प्राक्कलन
REVISED ESTIMATES FOR THE YEAR 1974-75
वर्ष 1975-76 के लिये बजट प्राक्कलन
BUDGET ESTIMATES FOR THE YEAR 1975-76.

व्यय
EXPENDITURE

निवरण-II
STATEMENT 'A'-II

क्रम संख्या Sl. No.	लेखा के शीर्ष Head of Accounts	वास्तविक आंकड़े वर्ष के लिये Actuals for the year	चालू वर्ष 1974-75 के स्वीकृत बजट प्राक्कलन Sanctioned Budget Estimates for the current year 1974-75	चालू वर्ष 1974-75 के परिशोधित प्राक्कलन Revised estimates for the current year 1974-75	1975-76 के बजट प्राक्कलन Budget Estimates for the next year 1975-76
1	2	3	4	5	6
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
राजस्व लेखा पर व्यय EXPENDITURE ON REVENUE ACCOUNT					
बीमाकृत व्यक्तियों तथा उनके परिवारों को हितलाभ 1. Benefits to Insured Persons & their families					

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
अ-चिकित्सा हितलाभ :									
A—Medical Benefits :									
चिकित्सा उपचार, देखरेख तथा मातृत्व सुविधाओं के लिये निगम के अंश का राज्य सरकारों आदि को प्रदायणी									
(i)	Payments to State Governments etc. as Corporation's share of their expenses on providing medical care, treatment & Maternity Facilities	16,09,79,000	19,19,42,360	23,44,37,459	28,65,59,000	3,34,92,631	23,71,69,369	27,06,62,000	31,04,62,000
चिकित्सा उपचार देखरेख तथा मातृत्व सुविधाएं (निगम द्वारा सीधे ही वहन किया गया व्यय) :									
(ii)	Medical treatment, care & Maternity facilities (expenses directly incurred by the Corporation)	93,37,811	98,70,571	1,25,98,648	1,22,64,000	92,03,284	5,61,10,716	1,53,20,000	2,34,55,000
योग—अ-चिकित्सा हितलाभ									
Total—A—	Medical Benefits	17,03,16,811	20,18,12,931	24,70,36,107	29,88,23,000	4,27,01,915	24,32,80,085	28,59,82,000	33,39,17,000
ब—नगद हितलाभ :									
B—Cash Benefits :									
बीमारी हितलाभ									
(i)	Sickness Benefit	13,69,64,114	9,63,81,210	11,87,85,496	12,43,54,000	7,56,73,247	4,10,10,753	11,66,84,000	12,25,47,000
विस्तारित बीमारी हितलाभ									
(ii)	Extended Sickness Benefit	1,04,54,682	1,04,11,054	1,11,35,672	1,15,69,000	75,96,221	40,33,779	1,16,30,000	1,27,10,000
मातृत्व हितलाभ									
(iii)	Maternity Benefit	64,54,499	71,01,877	80,51,712	81,92,000	55,60,956	28,46,044	84,07,000	89,52,000
अपंगता हितलाभ									
(iv)	Disablement Benefits :								
अस्थायी अपंगता हितलाभ									
(a)	Temporary Disablement	3,02,26,619	2,01,83,834	2,29,47,535	2,53,19,000	1,42,74,206	76,54,794	2,19,39,000	2,45,89,000
स्थायी अपंगता हितलाभ									
(b)	Permanent Disablement	2,14,37,135	2,75,49,000	3,03,95,000	3,39,86,000	1,67,02,687	1,37,13,313	3,04,16,000	3,81,99,000
आश्रितजन हितलाभ									
(v)	Dependents' Benefit	41,98,506	62,05,000	1,12,73,000	94,80,000	33,22,901	64,26,099	97,49,000	1,41,99,000
अन्त्येष्टि हितलाभ									
(vi)	Funeral Benefit	8,00,982	8,55,115	9,27,997	10,53,000	5,66,639	3,47,361	9,14,000	10,67,000
कुल—ब—नगद हितलाभ									
Total—B—	Cash Benefits	21,05,36,537	16,85,87,090	20,35,16,412	21,39,53,000	12,36,96,857	7,60,32,143	19,97,29,000	22,22,63,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	अन्य अधिकारियों का वेतन								
(i)	Pay of Other Officers	14,58,255	14,67,716	15,88,291	25,67,000	15,91,066	8,18,934	24,10,000	27,35,000
	भत्ता व मानदेय								
(ii)	Allowances & Honoraria	9,92,685	10,58,535	11,38,081	14,90,000	9,59,641	7,74,359	17,34,000	20,86,000
	कुल अन्य अधिकारी								
Total	Other Officers	24,50,940	25,26,251	27,26,372	40,57,000	25,50,707	15,93,293	41,44,000	48,21,000
	लिपिक वर्गीय स्थापना								
	Ministerial Establishment :								
	स्थापना का वेतन								
(i)	Pay of Establishment	43,96,076	47,94,973	76,60,115	80,30,000	84,74,754	38,66,246	1,23,41,000	1,36,48,000
	भत्ता व मानदेय								
(ii)	Allowances & Honoraria	66,93,598	79,88,259	75,17,557	1,06,40,000	56,49,952	20,02,048	76,52,000	85,51,000
	कुल लिपिक वर्गीय स्थापना								
Total	Ministerial Establishment	1,10,89,674	1,27,83,232	1,51,77,672	1,86,70,000	1,41,24,706	58,68,294	1,99,93,000	2,21,99,000
	चतुर्थ श्रेणी कर्मचारी								
	Class IV Servants								
	चतुर्थ श्रेणी के कर्मचारियों का वेतन								
(i)	Pay of Class IV Servants	6,56,935	6,86,015	12,52,611	12,38,000	14,47,582	7,33,418	21,81,000	24,47,000
	भत्ता व मानदेय								
(ii)	Allowances & Honoraria	12,68,174	14,20,692	14,48,018	20,14,000	10,52,359	3,93,641	14,46,000	15,81,000
	कुल चतुर्थ श्रेणी कर्मचारी								
Total	Class IV Servants	19,25,109	21,15,707	27,00,629	32,52,000	24,99,941	11,27,059	36,27,000	40,28,000
	आकस्मिक व्यय								
	Contingencies								
	डाक, तार व टेलीफोन व्यय								
(a)	Postage, Telegram & Telephone charges	6,16,971	6,72,898	5,83,198	7,40,000	4,22,076	3,56,924	7,79,000	8,97,000
	लेख सामग्री व फार्म								
(b)	Stationery & Forms	14,22,706	18,63,705	13,49,488	27,00,000	21,64,936	28,35,064	50,00,000	50,00,000
	अंशदान टिकट								
(c)	Contribution Stamps	1,78,777	3,41,322	5,54,372	4,50,000	3,30,802	11,19,198	14,50,000	10,00,000
	टाइपराइटर व अनुलिपिक आदि का क्रयण, मरम्मत व अनुरक्षण								
(d)	Purchase, Repair & Maintenance of typewriters, Duplicators etc.	49,678	33,023	36,227	1,00,000	65,639	84,361	1,50,000	1,33,000
	एड्रेमा उपकरण का क्रयण, मरम्मत व अनुरक्षण आदि ।								
(e)	Purchase, Repair & Maintenance etc. of Adrema equipments	99,268	1,07,450	39,812	1,90,000	40,776	69,224	1,10,000	1,70,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	किराया, महसूल व कर								
(f)	Rents, Rates and Taxes	4,58,170	5,42,978	6,54,617	8,50,000	5,30,299	5,69,701	11,00,000	12,70,000
	उपस्कर (फर्नीचर)								
(g)	Furniture	41,454	1,12,251	76,983	1,50,000	83,248	1,16,752	2,00,000	2,00,000
	अभिलेख के लिये विशेष उपस्कर								
(h)	Special Equipments for records	923	96,616	1,14,714	1,20,000	16,518	63,482	80,000	86,000
	कार्यालय के प्रयोग की सामान्य वस्तुओं का क्रयण, मरम्मत व अनुरक्षण आदि								
(i)	Purchase, Repair & Maintenance etc. of General Articles of office use.	1,05,378	1,84,389	1,59,647	2,33,000	1,01,730	1,31,270	2,33,000	2,48,000
	साईकिलों का क्रयण, मरम्मत व अनुरक्षण								
(j)	Purchase, Repairs & Maintenance of Cycles	697	939	1,610	2,000	1,648	1,352	3,000	3,000
	वेज़-भूषा का क्रयण, मरम्मत व अनुरक्षण								
(k)	Purchase, Repair & Maintenance of Liveries	98,574	84,792	86,191	1,00,000	89,666	53,334	1,43,000	1,39,000
	पुस्तकें, पत्रिकाएं तथा अन्य प्रकाशन								
(l)	Books, Periodicals and other Publications	11,300	12,253	19,158	18,000	16,791	11,209	28,000	28,000
	गर्म व सड़े मौसम का खर्च								
(m)	Hot & Cold Weather charges	8,750	5,438	3,565	28,000	4,983	13,017	18,000	22,000
	विविध :								
(n)	Miscellaneous :								
	कर्मचारी वर्ग को सुख सुविधा								
(i)	Amenities of staff	30,746	29,315	37,058	3,25,000	18,623	97,477	4,00,000	4,52,000
	विविध								
(ii)	Miscellaneous	2,24,776	2,32,346	3,35,647		2,83,900			
	स्टाफ कारों की मरम्मत व अनुरक्षण								
(c)	Repair & Maintenance of staff cars	52,900	74,609	1,17,005	1,40,000	1,10,238	64,762	1,75,000	1,92,000
	कुल आकस्मिक व्यय :								
	Total Contingencies :	33,96,068	43,94,324	41,69,292	61,46,000	42,81,873	55,87,127	98,69,000	98,40,000
	कुल—अ—आरक्षण								
	Total—A—Superintendence	1,90,49,336	2,20,77,905	2,50,16,946	3,24,83,000	2,36,39,600	1,43,13,400	3,79,53,000	4,12,95,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
ब-क्षेत्रीय कार्य B—Field Work									
अधिकारी Officers									
अधिकारियों का वेतन : (i) Pay of Officers									
		3,89,894	4,22,824	4,16,679	6,00,000	4,86,907	2,71,093	7,58,000	8,85,000
भत्ता व मानदेय : (ii) Allowances & Honoraria									
		2,52,056	2,88,913	3,00,240	3,80,000	2,24,324	2,53,676	4,78,000	6,02,000
कुल अधिकारी Total Officers									
		6,41,950	7,11,737	7,16,919	9,80,000	7,11,231	5,24,769	12,36,000	14,87,000
लिपिक वर्गीय स्थापना Ministerial Establishment									
लिपिक वेतन (i) Pay of establishment									
		59,21,614	60,13,468	80,63,891	98,25,000	84,29,507	38,91,493	1,23,21,000	1,31,59,000
भत्ता व मानदेय (ii) Allowances & Honoraria									
		72,35,564	77,88,191	78,99,534	1,04,85,000	56,68,475	22,41,525	79,10,000	88,89,000
योग लिपिक वर्गीय स्थापना Total Ministerial Establishment									
		1,31,57,178	1,38,01,659	1,59,63,425	2,03,10,000	1,40,97,982	61,33,018	2,02,31,000	2,20,48,000
चतुर्थ श्रेणी कर्मचारी Class IV Servants									
चतुर्थ श्रेणी कर्मचारियों का वेतन : (i) Pay of Class IV Servants									
		8,31,380	8,17,357	11,87,602	13,30,000	16,08,975	7,32,025	23,41,000	25,33,000
भत्ता व मानदेय (ii) Allowances & Honoraria									
		13,55,894	14,49,500	14,46,697	19,20,000	8,29,315	4,13,685	12,43,000	14,56,000
कुल-चतुर्थ श्रेणी कर्मचारी Total—Class IV Servants									
		21,87,274	22,66,857	26,34,299	32,50,000	24,38,290	11,45,710	35,84,000	39,89,000
आकस्मिक व्यय Contingencies									
डाक-तार व टेलीफोन खर्च (a) Postage, Telegram & Telephone Charges									
		2,48,321	2,59,228	2,50,746	3,30,000	1,21,94,852	1,35,148	3,30,000	4,00,000
लेखन सामग्री व फार्म (b) Stationery & Forms									
		13,867	14,364	16,744	35,000	13,683	23,317	37,000	54,000
टाईपराइटर व प्रतिलिपिक का क्रय व मरम्मत व अनुरक्षण (c) Purchase, Repair & Maintenance of Typewriter, Duplicators etc.									
		22,054	10,357	6,764	52,000	2,497	49,503	52,000	75,000
किराया महसूल कर (d) Rent, Rates & Taxes									
		10,42,040	11,15,591	11,53,170	14,45,000	7,94,049	6,59,951	14,54,000	14,41,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	फर्नीचर								
(e)	Furniture	28,903	57,707	42,586	1,10,000	30,149	1,29,851	1,60,000	1,75,000
	अभिलेख के लिए विशेष उपस्कर								
(f)	Special equipments for records	3,169	4,761	15,639	50,000	13,388	69,612	83,000	55,000
	कार्यालय के प्रयोग के लिए सामान्य पदार्थों का क्रयण मरम्मत व अनुरक्षण								
(g)	Purchase, Repair & Maintenance etc. of General Articles of Office use	29,261	32,190	30,287	60,000	22,088	67,912	90,000	88,000
	साइकिलों का क्रयण, मरम्मत व अनुरक्षण								
(h)	Purchase, Repair & Maintenance of Cycles	1,548	2,152	3,891	9,000	826	9,174	10,000	13,000
	वेशभूषा का क्रयण, मरम्मत व अनुरक्षण :								
(i)	Purchase, Repair & Maintenance of Liveries	22,407	12,059	24,225	50,000	9,074	42,926	52,000	67,000
	पुस्तकें, पत्रिकाएँ तथा अन्य प्रकाशन								
(j)	Books, Periodicals and other Publications	109	90	130	3,000	205	3,795	4,000	5,000
	गर्मी व सर्द मौसम का खर्च								
(k)	Hot & Cold Weather charges	10,368	10,650	14,363	30,000	16,398	5,602	22,000	36,000
	विविध:—								
(l)	Miscellaneous :—								
	कर्मचारियों को सुख सुविधाएँ								
(i)	Amenities of the staff	300	269	568	3,40,000	559	1,50,925	4,00,000	4,25,000
	विविध								
(ii)	Miscellaneous	2,60,012	2,82,522	3,14,896		2,48,516			
	कुल आकस्मिक व्यय								
	Total Contingencies	16,82,359	18,01,940	18,74,009	25,14,000	13,46,284	13,47,716	26,94,000	28,34,000
	कुल—ब—क्षेत्रीय कार्य								
	Total—B—Field Works	1,76,68,761	1,85,82,193	2,11,88,652	2,70,54,000	1,85,93,787	91,51,213	2,77,45,000	3,03,58,000
	स—अन्य व्यय								
	C—Other Charges								
	विधि खर्च								
	Legal charges	2,03,825	1,80,152	2,63,292	3,30,000	2,04,429	1,33,571	3,38,000	3,23,25,000
	बीमा न्यायालय								
	Insurance Courts		30,020	28,200	1,15,000	26,877	1,17,123	1,44,000	1,60,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
प्रचार व विज्ञापन Publicity & Advertisement		31,579	45,289	19,919	22,000	22,036	6,964	29,000	30,000
कग लेखा रखने का खर्च Charges for maintaining Banking A/cs.		82,222	86,170	73,700	71,000	53,848	36,152	90,000	75,000
छुट्टी व पेंशन अंशदान Leave & Pension Contribution		1,14,180	1,04,041	76,904	70,000	66,021	52,979	1,19,000	77,000
लेखा परीक्षा शुल्क Audit Fees		91,184	1,27,224	1,20,340	1,30,000	..	1,30,000	1,30,000	1,30,000
मरम्मत, अनुरक्षण व मूल्यहास आदि Repair, Maintenance & Depreciation									
निगम के कार्यालयों की इमारतों पर (स्टाफ क्वार्टरों सहित) मूल्यहास (a) Depreciation of Buildings for the Offices of the Corporation (including staff quarters)		1,48,404	1,48,404	1,52,397	1,80,000	..	1,80,000	1,80,000	1,80,000
स्टाफ कारों का मूल्यहास (b) Depreciation of staff cars		24,644	33,762	48,491	38,000	..	35,000	35,000	37,000
निगम के कार्यालयों की इमारतों (स्टाफ क्वार्टरों सहित) की मरम्मत व अनुरक्षण। (c) Repair & Maintenance of Buildings for the Offices of the Corporation (including staff quarters)		4,28,078	4,28,078	4,25,152	5,00,000	10,29,953	(—)5,29,953	5,00,000	5,00,000
निवृत्ति हितदायक Retirement Benefits									
पेंशन आरक्षित निधि के लिये निगम का अंशदान (a) Corporation's Contribution towards Pension Reserve Fund.		97,36,419	21,73,774	27,11,448	30,95,000	3,09,558	34,04,442	37,14,000	40,89,000
कर्मचारी राज्य बीमा निगम अंशदायी भविष्य निधि के लिये निगम का अंशदान (b) Corporation's contribution to ESIC Contributory Provident Fund		2,22,447	1,94,015	2,21,221	2,40,000	..	2,40,000	2,40,000	2,60,000
कर्मचारी राज्य बीमा निगम भविष्य निधि को अदा किया गया व्याज Interest paid to ESIC Provident Fund									
अंशदायी भविष्य निधि Contributory Provident Fund		2,84,784	3,09,307	3,22,084	3,88,000	..	3,78,000	3,78,000	4,18,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
सामान्य भविष्य निधि General Provident Fund		6,27,204	7,56,043	8,60,298	9,70,000	..	11,00,000	11,00,000	12,40,000
कम :— Deduct :—									
भविष्य निधि के अवशेषों के विलियोजन पर उपचित धोर/या वमूल किया गया व्याज । Interest accrued &/or realised on investment of Provident Fund balance		(—)9,76,653	(—)12,93,449	(—)16,97,995	(—)20,60,000	(—)18,99,352	(—)6,00,648	(—)25,00,000	(—)35,20,000
निगम के कर्मचारियों के लिये अनुकंपा धारित निधि Compassionate Reserve Fund for the employees of the Corporation		2,634	3,500	11,000	8,000	8,300	3,700	12,000	10,000
विविध Miscellaneous		8	47,859	15,747	3,000	4,025	5,975	10,000	10,000
कुल—स—अन्य खर्च Total—C—Other charges		1,10,20,959	33,74,189	36,52,198	41,00,000	(—)1,74,305	46,93,305	45,19,000	40,21,000
शीर्ष-2—प्रशासन व्यय का योग Total of Head—2—Administration Expenses		4,77,39,056	4,40,34,287	4,98,57,795	6,36,37,000	4,20,59,082	2,81,57,918	7,02,17,000	7,56,74,000
चिकित्सालय, औषधालय आदि 3. Hospitals, Dispensaries etc.									
चिकित्सालयों व औषधालयों की मरम्मत, अनुरक्षण व मूल्यह्रास आदि Repair, Maintenance & Depreciation etc., of Hospitals and Dispensaries :									
चिकित्सालय/औषधालय भवनों का मूल्यह्रास । (a) Depreciation of Hospitals/Dispensary Buildings		16,45,619	23,26,895	24,83,379	25,50,000	..	24,83,000	24,83,000	25,00,000
चिकित्सालय/औषधालय भवनों की मरम्मत एवं अनुरक्षण (b) Repair & Maintenance of Hospital/Dispensary Buildings		47,09,216	66,66,299	70,41,072	71,00,000	35,49,001	35,50,999	71,00,000	72,00,000
योग शीर्ष-3—चिकित्सालय, औषधालय आदि चिकित्सा (संचित) दायित्व आदि । Total Head-3—Hospitals Dispensaries etc.		63,54,835	89,93,194	95,24,451	96,50,000	35,49,001	60,33,999	95,83,000	97,00,000

2	3	4	5	6	7	8	9	10
पूँजीगत निर्माण तथा आपतकालीन आरक्षित निधि को अंशदान								
4. Contributions to Capital Construction & Emergency Reserve Funds	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
पूँजीगत निर्माण आरक्षित निधि के लिये वार्षिक अंशदान								
(i) Annual contribution to Capital construction Reserve Fund	4,04,35,000	4,80,00,000	6,46,00,000	5,42,00,000	..	6,56,00,000	6,56,00,000	7,29,00,000
पूँजीगत निर्माण एवं आपतकालीन आरक्षित निधि के लिये वार्षिक अंशदान								
(ii) Annual contribution to Emergency Reserve Fund	..	..	2,36,00,000	2,00,00,000	..	1,82,00,000	1,82,00,000	1,68,00,000
योग शीर्ष—4—पूँजीगत निर्माण एवं आपतकालीन आरक्षित निधि के लिये अंशदान ।								
Total Head-4—Contribution to Capital Construction & Emergency Reserve Funds	4,04,35,000	4,80,00,000	8,82,00,000	7,42,00,000	..	8,38,00,000	8,38,00,000	8,97,00,000
राजस्व लेखा पर कुल व्यय								
Total Expenditure on Revenue Account	47,61,40,297	47,23,75,970	59,90,70,572	66,11,18,000	21,24,93,585	43,76,67,915	65,01,11,500	73,21,93,500
पूँजीगत लेखा पर व्यय								
5. Expenditure on Capital Account :								
अग्रिम निर्माण आदि का :—								
A. Purchase, Construction etc. of :—								
निगम के कार्यालयों के भवन (स्टाफ क्वार्टर सहित)								
(i) Buildings for the offices of the Corporation (including staff quarters)	2,03,678	9,59,155	18,18,580	86,00,000	22,93,768	42,06,232	65,00,000	73,00,000
चिकित्सालयों एवं औषधालयों								
(ii) Hospitals & Dispensaries	1,58,59,906	94,08,967	1,99,99,456	4,02,00,000	1,77,62,312	2,71,37,688	4,49,00,000	6,81,63,000
ब. स्टाफ कारें								
B. Staff Cars								
स्टाफ कारों का क्रय								
Purchase of Staff Cars	18,785	32,467	1,12,194	2,00,000	52,648	1,09,352	1,62,000	2,22,000
कम—स्टाफ कारों के लिये किया गया वास्तविक भूगतान पुरानी कारों के बदले में, जोकि चालू वर्ष में मूल्यह्रास आरक्षित निधि में हस्तांतरित किया गया ।								
Deduct : Actual payments for purchase of Staff Cars, in lieu of old Cars, during the year transferred to Depreciation Reserve Fund	..	..	..	..	..	(—)34,000	(—)34,000	(—)68,000
योग मद-5 पूँजीगत खाते पर व्यय								
Total Head-5—Expenditure on Capital Account	1,60,82,369	1,04,00,589	2,19,30,230	4,90,00,000	2,01,08,728	3,14,19,272	5,15,28,000	7,56,17,000

[illegible]

1	2	3	4	5	6	7	9	10	
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
वर्ष में किया गया विनियोग Investments during the year		1,88,21,600	56,35,800	80,33,700	7,08,000	14,800	37,54,000	37,68,800	41,00,000
कम—बिक्री या परिपाक पर वसूली Deduct: Realisation on maturity or sale		(—)1,42,47,302	(—)11,92,000	(—)38,00,700	(—)15,000	(—)14,572	(—) 28	(—)14,600	..
स्थायी (आंशिक तथा पूर्ण) अपंगता आरक्षित निधि विनियोग लेखा Permanent (Partial & Total) Disablement Benefit Reserve Fund Investment Account									
वर्ष में किया गया विनियोग Investments during the year		4,04,97,000	1,04,21,000	2,18,33,000	2,62,62,000	1,03,97,700	1,29,80,300	2,33,78,000	1,97,66,000
कम—बिक्री या परिपाक पर वसूली Deduct : Realisation on maturity or sale		(—)3,13,57,837	(—)4,00,000	(—)99,63,000	(—)1,02,83,000	(—)1,02,62,528	(—)20,472	(—)1,02,83,000	..
आश्रितजन हितलाभ आरक्षित निधि—विनियोग लेखा । Dependants' Benefit Reserve Fund Investment Account									
वर्ष में किया गया विनियोग Investments during the year		1,72,54,800	1,19,14,000	1,39,45,300	1,56,87,000	76,08,400	87,51,600	1,63,60,000	1,38,06,000
कम—बिक्री या परिपाक पर वसूली Deduct : Realisation on maturity or sale		(—)1,44,51,664	(—)73,29,000	(—)42,74,300	(—)75,00,000	(—)74,90,615	(—)385	(—)74,91,000	..
निगम के कर्मचारियों की पेंशन आरक्षित निधि विनियोग लेखा Pension Reserve Fund for the employees of the Corpora- tion Investment Account									
वर्ष में किया गया विनियोग Investments during the year		2,49,09,700	51,30,200	50,75,000	1,57,01,000	97,45,200	70,09,800	1,67,55,000	84,12,000
कम—बिक्री या परिपाक पर वसूली Deduct : Realisation on maturity or sale		(—)1,36,09,229	(—)4,70,000	..	(—)97,93,000	(—)96,93,240	(—)47,760	(—)97,41,000	..
का रा० बि० नि भविष्य निधि विनियोग लेखा E.S.I.C. Provident Fund Investment Account									
वर्ष में किया गया विनियोग Investments during the year		90,35,400	29,07,700	54,63,400	45,35,000	26,02,800	29,80,000	55,82,800	46,13,000

1	2	3	4	5	6	7	8	9	10
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
कम—बिक्री या परिपाक पर बसूली Deduct : Realisation on maturity or sale	(—)65,78,262	(—)13,07,800	(—)30,32,188	(—)25,40,000	(—)26,02,800	(—)82,000	(—)25,40,800	(—)14,95,000	
पूंजीगत निर्माण आरक्षित निधि विनियोग लेखा Capital Construction Reserve Fund Investment Account									
वर्ष में किया गया विनियोग Investments during the year			8,20,28,000	1,26,00,000		7,09,75,000	7,09,75,000	68,37,000	
Deduct : Realization on maturity or sale						(—)5,00,00,000	(—)5,00,00,000	—	
आपतकालीन आरक्षित निधि विनियोग लेखा Emergency Reserve Fund Investment A/c.									
वर्ष में किया गया विनियोग Investments during the year			5,60,00,000	3,10,00,000	3,14,557	2,29,00,000	2,29,00,000	4,41,30,000	
योग आरक्षित निधियां Total Reserve Funds :	3,29,23,046	2,89,08,900	17,50,49,330	8,02,44,100	3,14,557	8,36,43,643	8,39,58,200	8,49,99,000	
कम—बिक्री या परिपाक पर बसूली Deduct : Realization on maturity or sale	—	—	—	—	—	—	—	(—)2,00,00,000	
जमा Deposits									
जमानत जमा Deposits of Securities	82,775	1,13,645	1,60,796	1,50,000	91,462	58,538	1,50,000	2,00,000	
अन्य जमा (शुद्ध) Other Deposits (net)	—	1,08,697		8,00,000			45,00,000	46,00,000	
कुल जमा Total Deposits	82,775	2,22,342	1,60,796	9,50,000	91,462	58,538	46,50,000	48,00,000	
अग्रिम Advances									
स्थायी अग्रिम Permanent Advances	4,145	1,791	5,347	5,000	2,945	2,055	5,000	11,000	
निगम के कर्मचारियों के लिये अग्रिम Advances to the employees of the Corporation									
स्थानान्तरण पर अग्रिम वेतन (i) Advance of pay on transfer	1,03,354	84,238	88,399	1,30,000	61,770	38,230	1,00,000	1,20,000	

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
स्थानान्तरण पर अग्रिम यात्रा भत्ता									
(ii) Advance of T.A. on Transfer		1,31,140	1,14,323	1,16,411	1,70,000	74,716	55,284	1,30,000	1,40,000
मोटर वाहन के क्रयण के लिये अग्रिम राशि									
(iii) Advance for the purchase of Motor conveyances		2,92,520	2,99,848	4,23,750	6,00,000	1,94,190	1,05,810	3,00,000	3,00,000
अन्य वाहन के क्रयण के लिये अग्रिम राशि									
(iv) Advance for the purchase of other conveyances		1,87,417	2,12,145	2,20,713	3,00,000	1,78,144	81,856	2,60,000	3,00,000
मकान निर्माण अग्रिम राशि									
(v) House Building Advances		3,57,237	10,08,134	6,70,749	18,00,000	8,23,424	3,76,574	12,00,000	15,00,000
विविध									
C. Miscellaneous		11,53,486	7,05,202	5,76,404	6,50,000	2,69,127	1,10,873	3,80,000	6,50,000
अन्य अग्रिम राशि									
C.—Other Advances :									
राज्य सरकारों की ओर से अग्रिम अदायगी									
(i) Advance payments on behalf of State Governments		4,478	2,971	5,682	4,000	1,244	1,756	3,000	5,000
राज्य सरकारों/राज्य लोक निर्माण विभागों की मरम्मत व अनुरक्षण आदि के लिये अग्रिम									
(ii) Advances to the State Governments/State P.W.Ds. for repair & maintenance etc. of:—									
निगम के कार्यालय के भवन (स्टाफ क्वार्टरों सहित)									
(a) Buildings for offices of the Corporation (including staff quarters)		1,19,863	94,268	2,21,501	7,00,000	1,14,310	2,85,690	4,00,000	4,50,000
चिकित्सालय/अपेक्षालय/उपभवन									
(i) Hospitals/Dispensaries/Annexes		17,50,549	34,18,649	34,13,346	74,30,000	(—)34,73,439	91,73,439	57,00,000	59,00,000
बीमा न्यायालय के लिये राज्य सरकारों को अग्रिम									
(ii) Advances to State Governments in respect of Insurance courts									
विविध									
Miscellaneous		2,88,016	2,71,982	3,38,817	4,00,000	5,79,303	91,20,697	6,00,000	6,50,000
कुल अग्रिम									
Total Advances.		44,00,305	62,13,551	60,81,119	1,21,59,000	(—)11,74,266	1,02,52,266	90,78,000	1,00,26,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
प्रेषित धन (शुद्ध)									
Remittances (net)									
नकद प्रेषित धन									
(i) Cash Remittances		30,00,000	1,49,45,619	(—)42,69,619	1,06,76,000	40,00,000
अन्य प्रेषित धन									
Other Remittances		8,553	..	6,082	2,00,000	4,22,802	(—)2,22,802	2,00,000	2,00,000
कुल प्रेषित धन									
Total Remittances		8,553	..	6,082	32,00,000	1,53,68,421	(—)44,92,421	1,08,76,000	42,00,000
योग ऋण, जमा, मग्नियन राशि व प्रेषित धन									
Total—Debt, Deposits Advances & Remittances		4,63,36,571	4,56,67,789	19,16,79,228	10,74,53,100	1,77,90,625	10,10,16,575	11,88,07,200	11,21,81,300
कुल सवितरण									
Total Disbursement		53,85,59,237	52,84,44,348	81,26,80,030	81,75,71,100	25,03,42,938	57,01,03,762	82,04,46,700	91,99,91,800
सामान्य नकद लाभ									
General Cash Balances									
वर्ष में विनियोजन									
Investments during the year		28,90,07,800	49,71,88,200	19,16,04,000	30,00,00,000	23,00,00,000	10,00,00,000	33,00,00,000	35,00,00,000
कम—परिपाक या बिक्री पर वसूली									
Deduct : Realisation on maturity or sale		(—)26,64,00,000	(—)30,25,00,000	(—)17,64,00,000	(—)23,01,00,000	..	(—)27,00,00,000	(—)27,00,00,000	(—)27,75,00,000
नकद अतिशेष									
Cash Balance									
हाथ में रोकड़									
(i) Cash-in-hand		4,14,34,495	3,08,23,302	4,57,30,418	3,38,87,765	4,66,63,273	28,07,431	4,94,70,704	4,28,95,104
बैंकर के पास रोकड़									
(ii) Cash with Bankers									
महायोग									
Grand Total		60,26,01,532	75,39,55,850	87,36,14,448	92,13,58,865	52,70,06,211	40,29,11,193	92,99,17,404	1,03,53,86,904

N. B. :—The detailed heads under which no figure appears have been omitted

A. S. SEYMOUR, Financial Adviser and Chief Accounts Officer

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कर्मचारी राज्य बीमा निगम

EMPLOYEES' STATE INSURANCE CORPORATION

(परिष्कृत प्रारम्भिक) 31 मार्च, 1975 को समाप्त होने वाले वर्ष के आय और व्यय का लेखा

INCOME & EXPENDITURE ACCOUNT FOR THE YEAR ENDING
31ST MARCH, 1975 (REVISED ESTIMATES)

आय INCOME				व्यय EXPENDITURE				
वास्तविक	लेखा के शीर्ष	राशि	राशि	वास्तविक	लेखा के शीर्ष	राशि	राशि	राशि
1973-74				1973-74				
Actuals 1973-74	Heads of Accounts	Amount	Amount	Actuals 1973-74	Heads of Accounts	Amount	Amount	Amount
Rs.		Rs.	Rs.	Rs.		Rs.	Rs.	Rs.
अंशदान द्वारा By Contributions :				बीमाकृत व्यक्तियों तथा उनके परिवारों को हितलाभ				
नियोक्ता तथा कर्मचारियों का अंशदान				1. Benefits to Insured Persons and their families				
64,56,39,680	Employers' & Employees' Shares		65,60,46,000	अ—चिकित्सा हितलाभ				
निगम के द्वारा चिकित्सा लाभ पर प्रारम्भिक रूप से किए गए व्यय में राज्य सरकारों का अंश				A—Medical Benefits				
19,90,000	State Govt. Share towards medical bene- fits initially incurred by the Corporation		49,21,000	23,44,37,459	चिकित्सा उपचार व देख-रेख तथा प्रासविक सुविधाओं के लिए निगम के अंश द्वारा किये गये खर्चों की राज्य सरकारों यादि को प्रदायगी		27,06,62,000	
राजस्व के अन्य शीर्ष Other Heads of Revenue				(i) Payments to State Govern- ments etc. as Corporation's share of their Expenses on provid- ing Medical treatment and care and Maternity facilities				
व्याज तथा लाभांश				चिकित्सा उपचार व देख-रेख तथा प्रासविक सुविधाएँ (निगम द्वारा सीधे रूप से किया गया व्यय)				
2,26,70,415	(iii) Interest & Dividends	3,46,33,000		1,25,98,648	(ii) Medical Treatment and care and Maternity facilities (expenses directly incurred by the Corporation)		1,53,20,000	
अतिपूति								
1,14,512	(iv) Compensations	1,03,52,500						

आय INCOME			
वास्तविक 1973-74 Actuals 1973-74	लेखा के शीर्ष Heads of Accounts	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
	किराया, महसूल तथा कर (v) Rents, Rates & Taxes :		
	निम्न के कार्यालय (स्टाफ क्वार्टर सहित)		
7,73,511	(i) Offices of the Corporation (including staff quarters)	4,24,000	
	चिकित्सालय/श्रीषधालय तथा स्टाफ क्वार्टर		
2,14,00,046	(ii) Hospitals,/Dispensaries & Staff Quar-ters	1,79,58,000	
	शुल्क जुर्माना तथा अविहरण		
94,868	(vi) Fees, Fines & Forefeitures	63,000	
	विविध		
10,91,462	(vii) Miscellaneous	7,42,590	
	राजस्व के अन्य शीर्षों का योग Total of other Heads of Revenue		6,41,73,000
4,61,46,814			
	आगे ले जाया गया		
69,37,76,494	Total Carried Over		72,51,40,000

व्यय EXPENDITURE				
वास्तविक 1973-74 Actuals 1973-74	लेखा के शीर्ष Heads of Accounts	राशि Amount	राशि Amount	राशि Amount
Rs.		Rs.	Rs.	Rs.
	कुल—अ चिकित्सा हितलाभ Total—A—Medical Benefits			28,59,82,000
24,70,36,107				
	ब—नकद हितलाभ B—Cash Benefits			
	बीमारी हितलाभ			
11,87,85,496	1. Sickness Benefit		11,66,84,000	
	विस्तारित बीमारी हितलाभ			
80,51,712	2. Extended Sickness Benefit		1,16,30,000	
	मातृत्व हितलाभ			
80,51,712	3. Maternity Benefit		84,07,000	
	अपंगता हितलाभ			
	4. Disablement Benefit			
	अस्थायी			
2,29,47,535	(a) Temporary		2,19,29,000	
	स्थायी (पूँजीकृत मूल्य)			
3,03,95,000	(b) Permanent (Capitalised value)		3,04,16,000	
	आगे ले जाया गया			
1,12,78,000	Total Carried Over		18,90,66,000	28,59,82,000

आय INCOME			
वास्तविक 1973-74 Actuals 1973-74	लेखा के शीर्ष Heads of Accounts	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
69,37,76,494	पीछे से लाया गया योग Total Brought Forward		72,51,40,000
69,37,76,494	अ.से ले जाया गया योग Total carried over		72,51,40,000

व्यय EXPENDITURE				
वास्तविक 1973-74 Actuals 1973-74	लेखा के शीर्ष Heads of Accounts	राशि Amount	राशि Amount	राशि Amount
Rs.		Rs.	Rs.	Rs.
1,12,73,000	पीछे से लाया गया योग Total Brought Forward	18,90,66,000	28,59,82,000	
1,12,73,000	आश्रितजन हितलाभ (पूँजीकृत मूल्य) 5. Dependents' Benefit (Capitalised Value)	97,49,000		
9,27,997	अन्येष्टि हितलाभ 6. Funeral Benefit	9,14,000		
20,35,16,412	कुल व नकद हितलाभ Total—B—Cash Benefits		19,97,29,000	
	समन्य हितलाभ C—Other Benefits			
	अपंग बीमाकृत व्यक्तियों के पुनर्वास पर व्यय			
52,082	(a) Expenditure on Rehabilitation of disabled Insured Persons	55,500		
2,39,841	चिकित्सा मंडल तथा अपील अविकरण (b) Medical Boards and Appeal Tribunals	3,56,500		
96,146	सबदूरी की हानि तथा सवारी शुल्क के कारण बीमाकृत व्यक्तियों को अदायगी (c) Payments to Insured Persons on A/c of Conveyance Charges and/or Loss of Wages	1,20,000		
3,00,000	सहायता अनुदान Grant-in-aid			
2,47,737	विविध (d) Miscellaneous	2,68,500		
9,35,806	कुल—स—अन्य लाभ Total—C—Other Benefit		8,00,500	
45,14,88,325	कुल—I—बीमाकृत व्यक्तियों तथा उनके परिवारों को कुल लाभ Total—I—Benefits to Insured Persons and their Families			48,65,11,500
	प्रशासन व्यय 2. Administration Expenses			
	अ-अधीक्षण A—Superintendence			
	निगम, स्थायी समिति, क्षेत्रीय मण्डल आदि			
26,404	1. Corporation, Standing Committee, Regional Boards	90,000		
2,06,577	प्रधान अधिकारी Principal Officers	2,30,000		
	अ.से ले जाया गया योग Total Carried Over	3,20,000	48,65,11,500	

आय INCOME			
वास्तविक 1973-74 Actuals 1973-74 Rs.	लेखा के शीर्ष Heads of Accounts पीछे से लाया गया योग Total Brought Forward	राशि Amount Rs.	राशि Amount Rs.
69,37,76,494			72,51,40,000
आगे ले जाया गया योग Total Carried Over			
69,37,76,494			72,51,40,000

व्यय EXPENDITURE				
वास्तविक 1973-74 Actuals 1973-74 Rs.	लेखा के शीर्ष Heads of Accounts पीछे से लाया गया योग Total Brought Forward	राशि Amount Rs.	राशि Amount Rs.	राशि Amount Rs.
		3,20,000		48,65,11,500
27,26,372	अन्य अधिकारी 3. Other Officers	41,44,000		
1,51,77,672	लिपिक वर्गीय कर्मचारी 4. Ministerial Establishment	1,99,93,000		
27,00,629	चतुर्थ श्रेणी कर्मचारी 5. Class IV Servants	36,27,000		
41,69,292	आकस्मिक व्यय 6. Contingencies	98,69,000		
2,50,16,946	कुल अ-प्रशासनिक Total—A—Superintendence	3,79,53,000		
	ब-क्षेत्रीय कार्य B—Field Works			
7,16,919	अधिकारी 1. Officers	12,36,000		
1,59,63,425	लिपिक वर्गीय कर्मचारी 2. Ministerial Establishment	2,02,31,000		
26,34,299	चतुर्थ श्रेणी कर्मचारी 3. Class IV Servants	35,84,000		
18,74,009	आकस्मिक व्यय 4. Contingencies	26,94,000		
2,11,88,652	योग व क्षेत्रीय कार्य Total—B—Field Work	2,77,45,000		
	स-अन्य खर्च C—Other Charges			
2,63,292	विधि खर्च Legal Charges	3,38,000		
28,200	बीमा न्यायालय Insurance Courts	1,44,000		
19,919	प्रचार एवं विज्ञापन Publicity and Advertisement	29,000		
76,904	बैंकिंग लेखा रखने के खर्च Charges for maintaining Banking Accounts	90,000		
1,20,340	लेखा परीक्षा शुल्क Audit Fee	1,30,000		
	आगे ले जाया गया योग Total Carried Over	7,31,000	6,56,98,000	48,65,11,500

आय INCOME			
वास्तविक 1973-74 Actuals 1973-74	लेखा के शीर्ष Heads of Accounts	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
69,37,76,494	पाँछे से लाया गया योग Total Brought Forward		72,51,40,000
आगे ले जाया गया योग Total Carried Over			
69,37,76,494			72,51,40,000

व्यय EXPENDITURE				
वास्तविक 1973-74 Actuals 1973-74	लेखा के शीर्ष Heads of Accounts	राशि Amount	राशि Amount	राशि Amount
Rs.		Rs.	Rs.	Rs.
	पीछे से लाया गया योग Total Brought Forward	7,31,000	6,56,98,000	48,65,11,500
73,700	छुट्टी वेतन तथा पेंशन अंशदान Leave Salary and Pension Contributions	1,19,000		
6,26,040	मूल्यह्रास आदि Depreciation etc.	7,15,000		
	सेवा निवृत्ति हितलाभ Retirement Benefits			
27,11,448	पेंशन अंतरिक्षित निधि में निगम का अंश पेंशन रिजर्व फंड के लिये Corporation's Contribution towards Pension Reserve Fund	37,14,000		
2,21,221	कर्मचारी राज्य बीमा निगम अंशदायी भविष्य निधि में निगम का अंशदान Corporation's Contribution towards Employees' State Insurance Corporation Contributory Provident Fund	2,40,000		
	क०रा०बी०नि० भविष्य निधि को अदा किया हुआ व्याज Interest paid to the ESIC Provident Fund			
8,60,298	सामान्य भविष्य निधि (i) General Provident Fund	11,00,000		
3,22,084	अंशदायी भविष्य निधि (ii) Contributory Provident Fund	3,78,000		
(—)16,97,995	कम: भविष्य निधि के प्रतिष्ठेर्षों विनियोजन से प्राप्त व्याज Less : Interest realised on investment of Provident Fund Balances	(—)25,00,000		
11,000	निगम के कर्मचारियों के लिये अनुकंपा भारक्षित निधि Compassionate Reserve Fund for the Employees of the Corporation	12,000		
15,747	विविध Miscellaneous	10,000		
36,52,198	कुल स-अन्य खर्च Total—C—Other Charges		45,19,000	7,25,10,000
	कुल शीर्ष-2 प्रशासन व्यय Total—Head 2—Administration Expenses			7,02,17,000
आगे ले जाया गया योग Total Carried Over				
			55,67,28,500	

वास्तविक	लेखा के शीर्ष	राशि	राशि
1973-74			
Actuals	Head of Accounts	Amount	Amount
1973-74			
Rs.		Rs.	Rs.
	पीछे से लाया गया योग		
69,37,76,494	Total Brought Forward		72,51,40,000
	महायोग		
69,37,76,494	Grand Total		72,51,40,000

वास्तविक	लेखा के शीर्ष	राशि	राशि	राशि
1973-74				
Actuals	Heads of Accounts	Amount	Amount	Amount
1973-74				
Rs.		Rs.	Rs.	Rs.
	पीछे से लाया गया योग			
	Total Brought Forward			55,67,28,500
	चिकित्सालय तथा औषधालय			
	3. Hospitals and Dispensaries			
	चिकित्सालय के भवनों का ह्रास			
24,83,379	(a) Depreciation of Hospital Buildings		24,83,000	
	चिकित्सालयों के भवनों की मरम्मत व			
	पुनरुद्धार			
70,41,072	(b) Repair and Maintenance of Hospital Buildings		71,00,000	
	कुल शीर्ष-3 चिकित्सालय तथा औष-			
	धालय			
95,24,451	Total Head-3—Hospitals and Dispensaries			95,83,000
	पूँजीगत निर्माण एवं आपतकाल आरक्षित			
	निधि के लिये अंशदान			
	4. Contribution to Capital construction and Emergency Reserve Funds			
	पूँजीगत निर्माण आरक्षित निधि]			
6,46,00,000	(c) Capital Construction Reserve Fund		6,56,00,000	
	आपतकाल आरक्षित निधि]			
2,36,00,000	(d) Emergency Reserve Fund		1,82,00,000	
	योग-शीर्ष-पूँजीगत निर्माण एवं आपत-			
	काल आरक्षित निधि के लिये अंशदान ।			
8,52,00,000	Total—Head-4—Contributions to Capital Construction and Emergency Reserve Funds			8,38,00,000
	राजस्व लेखा पर कुल व्यय			
59,90,70,572	Total Expenditure on Revenue Account			65,01,11,500
	व्यय से अधिक आय के अतिशेष को आगे			
	तुलनपत्र पर ले जाया गया ।			
9,47,05,922	Excess of Income over expenditure carried over to Balance Sheet			7,50,28,500
	महायोग			
69,37,76,494	Grand Total			72,51,40,000

A. S. SEYMOUR,
Financial Adviser and Chief Accounts Officer

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कर्मचारी राज्य बीमा निगम
EMPLOYEES' STATE INSURANCE CORPORATION
BALANCE SHEET AS ON 31ST MARCH, 1975 (REVISED ESTIMATES)

वास्तविक आंकड़े 1973-74 Actuals 1973-74	दायित्व Liabilities	राशि Amount	राशि Amount	वास्तविक आंकड़े 1973-74 Actuals 1973-74	सम्पत्ति Assets	राशि Amount	राशि Amount
Rs.		Rs.	Rs.	Rs.		Rs.	Rs.
	व्यय से अधिक आय का अतिशेष Balance of excess of income over expenditure				भूमि तथा भवन Lands and Buildings		
	पिछले तुलनपत्र के अनुसार As per last balance sheet	51,70,70,431	58,13,76,353		निगम के कार्यालयों के किये भवन (अध्यक्ष क्वार्टरों सहित) (a) Buildings for the officers of the Corporation (including staff quarters)		
	वर्ष में संचयन Accumulations during the year	9,47,05,922	7,50,28,500		पिछले तुलनपत्र के अनुसार As per last Balance Sheet	2,66,56,185	2,84,74,765
61,17,76,353					वर्ष में वृद्धि Additions during the year	18,18,580	65,00,000
	कम-प्राप्तकालीन आरक्षित निधि को हस्तांतरित राशि Less : Amount transferred to Emergency Reserve Fund	(—)3,04,00,000	65,64,04,853	2,84,74,765			3,49,74,765
58,13,76,353					चिकित्सालय तथा औषधालय (b) Hospitals and Dispensaries		
	पूंजीगत निर्माण/आरक्षित निधि Capital Construction Reserve Fund				पिछले तुलनपत्र के अनुसार As per last balance Sheet	29,10,55,260	31,10,54,715
	पिछले तुलनपत्र के अनुसार As per last balance sheet	7,26,32,495	14,01,15,495		जमा—वर्ष में वृद्धि Additions during the year	1,99,99,455	4,49,00,000
	वर्ष के अन्तर्गत उपबन्ध Provision during the year	6,46,00,000	6,56,00,000		31,10,54,715		35,59,54,715
	विनियोग से प्राप्त व्याज Interest received from Investments	28,83,000	67,75,000				
14,01,15,485			21,24,90,495		स्टाफ कारें Staff Cars		
	आपत्तकालीन आरक्षित निधि Emergency Reserve Fund				पिछले तुलनपत्र के अनुसार As per last Balance Sheet	2,78,565	3,90,759
	पिछले तुलनपत्र के अनुसार As per last balance sheet	3,04,00,000	5,63,56,000		जमा—वर्ष में किया गया भुगतान Add: Payments made during the year	1,12,194	1,88,000
	वर्ष के अन्तर्गत उपबन्ध Provision made during the year	2,36,00,000	1,82,00,000		3,90,759		5,18,759
	विनियोग से प्राप्त व्याज Interest received from investments.	23,56,000	47,00,000				
5,63,56,000			7,92,56,000				
77,78,47,848	आगे ले जाया गया योग Total Carried Over		94,81,51,348	33,99,20,239	आगे ले जाया गया योग Total Carried Over		39,14,48,239

वास्तविक आंकड़े 1973-74 Actuals 1973-74	दायित्व Liabilities	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
	पीछे से लाया गया योग Total Brought Forward		94,81,51,348
	स्वायी (आंशिक तथा पूर्ण) अपंगता हित- लाभ आरक्षित निधि Permanent (Partial and Total) Disablement Benefit Reserve Fund		
	पिछले तुलनपत्र के अनुसार As per last Balance Sheet	10,01,29,732	
8,82,60,784			
	वर्ष में किया गया उपबन्ध Provision made during the year	3,04,16,000	
3,03,95,000			
	विनियोजन द्वारा प्राप्त व्याज Interest received from investments	77,89,000	
55,07,639			
12,41,63,423		13,83,34,732	
	कम—वर्ष के अन्तर्गत भुगतान Less : Payments made during the year	(—)2,51,10,000	
(—)2,40,33,691			11,32,24,732
10,01,29,732			
	आश्रितजन हितलाभ आरक्षित निधि Dependents' Benefit Reserve Fund		
	पिछले तुलनपत्र के अनुसार As per last balance sheet	4,86,32,421	
3,90,61,803			
	वर्ष के अन्तर्गत उपबन्ध Provision made during the year	97,49,000	
1,12,73,000			
	विनियोजन से प्राप्त व्याज Interest received from investments	42,17,800	
25,43,489			
5,28,78,292		6,25,99,221	
	कम—वर्ष के अन्तर्गत भुगतान Less : Payments made during the year	(—)50,97,000	
(—)42,45,871			5,75,02,221
4,86,32,421			
	आगे ले जाया गया योग Total Carried Over		1,11,88,78,301
92,66,10,001			

वास्तविक आंकड़े 1973-74 Actuals 1973-74	सम्पत्ति Assets	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
	पीछे से लाया गया योग Total Brought Forward		39,14,48,239
33,99,20,239			
	निगम के कार्यालयों में अध्यक्षों को स्थाई अग्रिम Permanent Advances to the Heads of offices of the Corporation		
	पिछले तुलनपत्र के अनुसार As per last balance sheet	41,038	
36,442			
	जमा—वर्ष में किया गया भुगतान Payments made during the year	5,000	
5,347			
41,789		46,038	
	कम—वर्ष के अन्तर्गत हुई वसूली Less : Recoveries made during the year	(—)200	45,838
(—)751			
41,038			
	निगम के कर्मचारियों के स्थानान्तरण पर अग्रिम वेतन Advance of pay on transfer of the Emp- loyees' of the Corporation		
	पिछले तुलनपत्र के अनुसार As per the last balance sheet	18,734	
26,045			
	जमा—वर्ष में किया गया भुगतान Add : Payments made during the year	1,00,000	
88,399			
1,14,444		1,18,734	
	कम—वर्ष में हुई वसूली Less : Recoveries made during the year	—80,000	
(—)95,710			
18,734			38,734
	आगे ले जाया गया योग Total Carried Over		39,15,32,811
33,99,80,011			

वास्तविक आंकड़े 1973-74 Actuals 1973-74	दायित्व Liabilities	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
92,66,10,001	पीछे ले जाया गया योग Total Brought Forward		1,11,88,301
	कर्मचारी राज्य बीमा निगम प्रविश्य निधि Employees' State Insurance Corporation Provident Fund		
1,96,07,418	पिछले तुलनपत्र के अनुसार As per last balance sheet	2,19,38,188	
	जमा—वर्ष के अंतर्गत आंकलित राशि Add : Credits during year		
53,09,068	कर्मचारियों का चन्दा Employees' Subscription	61,69,000	
2,21,221	निगम का अंशदान Corporation's Contribution	2,40,000	
11,82,382	कर्मचारियों तथा निगम के अंश पर व्याज Interest on Employees' and Corporation's shares	1,14,78,000	
2,63,20,089		2,98,25,188	
—43,81,901	कम :—वर्ष में किया गया भुगतान Less : Payments made during year	—48,45,000	
2,19,38,188			2,49,30,188
	निगम के कार्यालयों के भवनों (स्टाफ क्वार्टरों सहित) को मूल्यह्रास आरक्षित निधि। Depreciation Reserve Fund of Buildings for the offices of the Corporation (in- cluding staff quarters)		
12,37,459	पिछले तुलनपत्र के अनुसार As per last Balance Sheet	14,78,806	
1,52,397	वर्ष के अंतर्गत किया गया उपबन्ध Provision made during year	1,83,000	
88,950	विनियोग से प्राप्त व्याज Interest received from investments	1,33,000	
14,78,806			17,94,806
95,00,26,995	आगे ले जाया गया योग Total Carried Over		1,14,56,53,295

वास्तविक आंकड़े 1973-74 Actuals 1973-74	सम्पत्ति Assets	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
33,99,80,011	पीछे ले जाया गया योग Total Brought Forward		39,15,32,811
	निगम के कर्मचारियों के स्थानान्तरण पर अग्रिम यात्रा भत्ता। Advance of T.A. on transfer to the Emp- loyees of the Corporation		
73,076	पिछले तुलनपत्र के अनुसार As per last balance sheet	83,149	
1,16,411	जमा—वर्ष में किया गया भुगतान Add : Payments made during year	1,30,000	
1,89,487		2,13,149	
(—)1,06,338	कम—वर्ष में हुई वसूली Less : Recoveries made during year	(—)70,000	
83,149			1,43,149
	निगम के कर्मचारियों को वाहन क्रय के लिये अग्रिम। Advance for purchase of Conveyances to the Employees of the Corporation		
8,89,690	पिछले तुलनपत्र के अनुसार As per last balance sheet	9,62,131	
6,44,463	जमा—वर्ष में किया गया भुगतान Add : Payments made during year	5,60,000	
15,34,153		15,22,131	
(—)5,72,022	कम—वर्ष में हुई वसूली Less : Recoveries made during year	(—)6,50,000	
9,62,131			8,72,131
34,10,25,291	आगे ले जाया गया योग Total Carried Over		39,25,48,091

वास्तविक प्रांकड़े	दायित्व	राशि	राशि
1973-74			
Actuals	Liabilities	Amount	Amount
1973-74			
Rs.		Rs.	Rs.
	पीछे से लाया गया योग		
95,00,26,995	Total Brought Forward		1,14,56,53,295
	चिकित्सालयों के भवनों के लिए मूल्यहास आरक्षित निधि		
	Depreciation Reserve Fund of Hospital Buildings		
	पिछले तुलनपत्र के अनुसार		
1,24,66,836	As per last balance sheet	1,59,32,411	
	वर्ष के अन्तर्गत किया गया उपबन्ध		
25,69,608	Provision made during year	24,93,000	
	विनियोग से प्राप्त ब्याज		
8,95,967	Interest received from Investments	14,16,000	
1,59,32,411			1, 98,41,411
	स्टाफ कारों पर मूल्यहास आरक्षित निधि		
	Depreciation Reserve Fund of Staff Cars		
	पिछले तुलनपत्र के अनुसार		
2,20,582	As per last balance sheet	2,84,404	
	वर्ष के अन्तर्गत किया गया उपबन्ध		
48,491	Provision made during the year	35,000	
	विनियोग से प्राप्त ब्याज		
15,331	Interest received from Investments	25,000	
2,84,404		3,44,404	
	कम—वर्ष में किया गया भुगतान		
	Less : Payments made during year	—34,000	3,10,404
	आगे ले जाया गया योग		
96,62,43,810	Total Carried Over		1,16,58,05,110

वास्तविक प्रांकड़े	सम्पत्ति	राशि	राशि
1973-74			
Actuals	Assets	Amount	Amount
1973-74			
Rs.		Rs.	Rs.
	पीछे से लाया गया योग		
34,10,25,291	Total Brought Forward		39,25,48,091
	भवन निर्माण अग्रिम		
	House Building Advances		
	पिछले तुलनपत्र के अनुसार		
16,16,464	As per last balance sheet	21,23,703	
	जमा—वर्ष में किया गया भुगतान		
6,70,750	Add : Payments made during the year	12,00,000	
22,87,214		33,23,703	
	कम—वर्ष में हुई वसूली		
—1,63,511	Less : Recoveries made during the year	(—)2,00,000	
21,23,703			31,23,703
	निगम के कर्मचारियों को विविध अग्रिम (त्यौहार अग्रिम)		
	Miscellaneous Advances to the Employees of Corporation (Festival Advances)		
	पिछले तुलनपत्र के अनुसार		
8,02,011	As per last balance sheet	3,63,551	
	जमा—वर्ष में किया गया भुगतान		
5,76,404	Add : Payments during year	3,80,000	
13,78,415		7,43,551	
	कम—वर्ष में हुई वसूली		
(—)10,14,864	Less : Recoveries made during year	(—)7,00,000	
—1,63,551			43,551
	आगे ले जाया गया योग		
34,35,12,545	Total Carried Over		39,57,15,345

वास्तविक आंकड़े	दायित्व	राशि	राशि
1973-74			
Actuals	Liabilities	Amount	Amount
1973-74			
Rs.		Rs.	Rs.
96,62,43,810	पीछे से लाया गया योग Total Brought Forward		1,16,58,05,110
	निगम के कार्यालय के भवनों (स्टाफ क्वार्टरों सहित) की मरम्मत व अनु- रक्षण आरक्षित निधि :		
	Repairs and Maintenance Reserve Fund of Buildings for the offices of the Cor- poration (including staff quarters) :		
24,50,830	पिछले तुलनपत्र के अनुसार As per last balance sheet	28,44,143	
4,25,152	वर्ष में किया गया उपबन्ध Provision made during year	5,28,000	
1,15,233	विनियोग से प्राप्त व्याज Interest received from investments	1,56,000	
29,91,215		35,28,143	
(—)1,47,072	कम—वर्ष में किया गया भुगतान Less : Payments made during year	(—)2,00,000	
28,44,143			33,28,143
	चिकित्सालयों के भवनों की मरम्मत व अनुरक्षण आरक्षित निधि :		
	Repairs and Maintenance Reserve Fund Account of Hospital Buildings :		
3,00,58,017	पिछले तुलनपत्र के अनुसार As per last balance sheet	3,47,42,825	
70,41,072	वर्ष में किया गया उपबन्ध Provision made during year	72,10,000	
17,88,088	विनियोग से प्राप्त व्याज Interest received from investments	25,44,000	
3,88,87,177		4,44,96,825	
(—)41,44,352	कम—वर्ष में किया गया भुगतान Less : Payments made during year	(—)3,00,000	
3,47,42,825			4,41,96,825
1,00,38,30,778	आगे ले जाया गया योग Total Carried Over		1,21,33,30,07 8

वास्तविक आंकड़े	सम्पत्ति	राशि	राशि
1973-74			
Actuals	Assets	Amount	Amount
1973-74			
Rs.		Rs.	Rs.
34,35,12,545	पीछे से लाया गया योग Total Brought Forward		39,57,15,345
	राज्य सरकारों की ओर से अग्रिम अदा- यगी :		
	Advance payments on behalf of State Go- vernments :		
618	पिछले तुलनपत्र के अनुसार As per last balance sheet	6,107	
5,683	जमा—वर्ष में किया गया भुगतान Add : Payments made during year	3,000	
6,301		9,107	
(—)194	कम—वर्ष में हुई वसूली Less : Recoveries made during year	(—)5,000	
6,107			4,107
	निम्नलिखित की मरम्मत व अनुरक्षण आदि के लिये राज्य सरकारों आदि को दिया गया अग्रिम :		
	Advances to the State Governments etc., for the Repairs and Maintenance etc. of :		
	निगम के कार्यालयों के भवन (स्टाफ क्वार्टर सहित)—		
	(a) Buildings of offices of the Corporation (including staff quarters)—		
7,03,241	पिछले तुलनपत्र के अनुसार As per last balance sheet	8,38,038	
2,21,501	जमा—वर्ष में की गई अदायगी Add : Payments made during the year	4,00,000	
9,24,742		12,38,038	
—86,704	कम—वर्ष में हुई वसूली/समायोजन Less : Recoveries/Adjustments during the year	(—)2,00,000	
8,38,038			10,38,038
34,43,56,690	आगे ले जाया गया योग Total Carried Over		39,67,57,490

वास्तविक आंकड़े 1973-74 Actuals 1973-74	दायित्व LIABILITIES	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
1,00,38,30,778	पीछे से लाया गया योग Total Brought Forward		1,21,33,30,078
	निगम के कर्मचारियों के लिये पेंशन आरक्षित निधि : Pension Reserve Fund for Employees of the Corporation :		
3,61,62,604	पिछले तुलनपत्र के अनुसार As per last balance sheet	4,13,37,616	
30,85,393	वर्ष में किया गया उपबन्ध Provision made during year	37,74,800	
24,80,968	विनियोग से प्राप्त ब्याज Interest received from Investments	37,39,000	
4,17,28,965		4,88,51,416	
(—)3,91,349	कम—वर्ष में किया गया भुगतान Less : Payments made during year	(—)5,00,000	
4,13,37,616			4,83,51,416
	निगम के कर्मचारियों के लिये अनुकंपा आरक्षित निधि : Compassionate Reserve Fund for the Employees of the Corporation :		
10,000	पिछले तुलनपत्र के अनुसार As per last balance sheet	10,000	
11,000	वर्ष के अन्तर्गत किया गया उपबन्ध Provision made during year	12,000	
21,000		22,000	
(—)11,000	कम—वर्ष में किया गया भुगतान Less : Payments made during year	—12,000	
10,000			10,000
1,04,51,78,394	आगे ले जाया गया योग Total Carried Over		1,26,16,91,494

वास्तविक आंकड़े 1973-74 ACTUALS 1973-74	सम्पत्ति Assets	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
34,43,56,690	पीछे से लाया गया योग Total Brought Forward		39,67,57,490
	चिकित्सालय/औषधालय आदि : (b) Hospitals/Dispensaries etc. :		
61,46,956	पिछले तुलनपत्र के अनुसार As per last balance sheet	65,04,817	
34,13,346	जमा—वर्ष में किया गया भुगतान Add : Payments made during year	57,00,000	
95,60,302		1,22,04,817	
(—)30,55,485	कम—वर्ष में समायोजन Less : Adjustment during year	(—)3,00,000	
65,04,817			1,19,04,817
	विविध अग्रिम : Miscellaneous Advances :		
12,16,411	पिछले तुलनपत्र के अनुसार As per last balance sheet	12,32,435	
3,38,817	जमा—वर्ष के अन्तर्गत किया गया भुगतान Add : Payments made during year	6,00,000	
15,55,228		18,32,435	
(—)13,22,793	कम—वर्ष के अन्तर्गत प्राप्ति Less : Receipts during year	(—)3,25,000	
12,32,435			15,07,435
35,20,93,942	आगे ले जाया गया योग Total Carried Over		41,01,69,742

वास्तविक आंकड़े 1973-74 Actuals 1973-74	दायित्व LIABILITIES	राशि Amount	राशि Amount
रु० Rs.		रु० Rs.	रु० Rs.
1,04,51,78,394	पीछे ले लाया गया योग Total Brought Forward		1,26,16,91,494
	जमानत जमा उदाहरणार्थ ठेकेदार Deposits of Securities e.g. Contractors		
3,04,271	पिछले तुलनपत्र के अनुसार As per last balance sheet	2,40,402	
96,927	जमा—वर्ष में जमा की गई Add : Deposits during the year	3,50,000	
4,01,198		5,90,402	
(—) 1,60,796	कम—वर्ष के अंतर्गत वापिस की गई जमा Less : Deposits repaid during the year	1,50,000	4,40,402
2,40,402			
	अन्य जमा Other Deposits		
9,68,746	पिछले तुलनपत्र के अनुसार As per last balance sheet	18,35,347	
14,54,722	जमा—वर्ष में प्राप्त राशि Add : Credits during the year	45,00,000	
24,23,468		63,35,347	
(—) 5,88,121	कम—वर्ष के अंतर्गत किया गया भुगतान Less : Payments made during the year	(—) 5,00,000	
18,35,347			18,35,347
1,04,72,54,143	आगे ले जाया गया योग Total Carried Over		1,26,39,67,243

वास्तविक आंकड़े 1973-74 Actuals 1973-74	सम्पत्ति ASSETS	राशि Amount	राशि Amount
रु० Rs.		रु० Rs.	रु० Rs.
35,20,93,942	पीछे ले लाया गया योग Total Brought Forward		41,01,69,742
	राज्य सरकारों को स्वीकृत ऋण Loans granted to State Governments		
2,11,66,667	पिछले तुलनपत्र के अनुसार As per last balance sheet	2,60,33,333	
60,00,000	जमा—वर्ष में किया गया भुगतान Add : Payments made during the year	54,00,000	
2,71,66,667		3,14,33,333	
11,33,334	कम—वर्ष के अंतर्गत ऋण की वापसी Less : Refunds during the year	(—) 11,33,400	
2,60,33,333			3,02,99,933
	प्रेषित धन Remittances		
	नकद प्रेषित धन Cash Remittances		
(—) 7,10,941	पिछले तुलनपत्र के अनुसार As per last balance sheet	(—) 66,76,000	
	जमा—वर्ष में समायोजित विकलन Add : Debits adjusted during the year	(—) 1,06,76,000	
		40,00,000	
(—) 59,65,059	कम—वर्ष में समायोजित आंकलन Less : Credits adjusted during the year	(—) 40,00,000	
(—) 66,76,000			
37,14,51,275	आगे ले जाया गया योग Total Carried over		44,04,69,675

वास्तविक आंकड़े 1973-74 Actuals 1973-74	दायित्व LIABILITIES	राशि Amount	राशि Amount
₹० Rs.		₹० Rs.	₹० Rs.
	पीछे से लाया गया योग		
1,04,72,54,143	Total Brought Forward		1,26,39,67,243

आगे ले जाया गया योग
1,04,72,54,143 Total Carried Over

1,26,39,67,243

वास्तविक आंकड़े 1973-74 Actuals 1973-74	संपत्ति ASSETS	राशि Amount	राशि Amount
₹० Rs.		₹० Rs.	₹० Rs.
37,14,51,275	पीछे से लाया गया योग Total Brought Forward		44,04,69,675
	अन्य प्रेषित धन—मदला बदली खाता Other Remittances—Exchange Account		
(—) 2,296	पिछले तुलनपत्र के अनुसार As per last balance sheet	3,786	
6,082	जमा—वर्ष में विकलन Add : Dabits during the year	2,00,000	
3,786		2,03,786	
	कम—वर्ष में आकलन —Less : Credits during the year	(—) 2,03,786	
	लागत पर विनियोजन Investments at Cost		
	निगम के कार्यालयों के भवनों (स्टाफ क्वार्टर सहित) को मूल्यह्रास आर- क्षित निधि। (a) Depreciation Reserve Fund of Buildings for the offices of the Cor- poration (including staff quarters).		
12,36,509	पिछले तुलनपत्र के अनुसार As per last balance sheet	14,76,509	
2,59,500	जमा—वर्ष में विनियोजन Add : Investments made during the year	3,16,000	
14,96,009			
(—) 19,500	कम—विनियोजन को बिक्री या परिष्कार पर वसूली Less : Realisation on maturity or sale of investments	—	17,92,509
14,76,509			

आगे ले जाया गया योग
37,29,31,570 Total Carried Over

44,22,62,184

वास्तविक आंकड़े 1973-74 Actuals 1973-74	दायित्व LIABILITIES	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
	पीछे से लाया गया योग Total Brought Forward		1,26,39,67,243
1,04,72,54,143			
	अग्रे ले जाया गया योग Total Carried Over		1,26,39,67,243
1,04,72,54,143			

वास्तविक आंकड़े 1973-74 Actuals 1973-74	सम्पत्ति ASSETS	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
37,29,31,570	पीछे से लाया गया योग Total Brought Forward		44,22,62,184
	चिकित्सालय भवनों के लिये मूल्यह्रास आरक्षित निधि। Depreciation Reserve Fund of Hospital Buildings		
1,24,66,115	पिछले तुलनपत्र के अनुसार As per last balance sheet	1,58,04,359	
37,76,225	जमा—वर्ष में विनियोजन Add: Investments made during the year	46,14,000	
1,62,42,340		2,04,18,359	
(—) 4,37,981	कम—विनियोजन की बिक्री या परिपाक पर वसूली Less : Realisation on maturity or sale of investments	(—) 7,05,000	
1,58,04,359			1,97,13,359
	स्टाफ कारों के लिये मूल्यह्रास आरक्षित निधि (d) Depreciation Reserve Fund of Staff Cars		
2,19,735	पिछले तुलनपत्र के अनुसार As per last balance sheet	2,83,735	
64,000	जमा—वर्ष में किया गया विनियोग Add : Investment made during the year	30,100	
2,83,735		3,13,835	
—	कम—विनियोजन की बिक्री या परिपाक पर वसूली Less : Realisation on maturity or sale of investments	(—) 30,100	
2,83,735			2,83,735
	निगम के कार्यालयों के भवनों (स्टाफ क्वार्टर सहित) की मरम्मत व अनु- रक्षण आरक्षित निधि (e) Repairs & Maintenance Reserve Fund of Buildings for the offices of the Corporation (including staff quarters)		
17,50,994	पिछले तुलनपत्र के अनुसार As per last balance sheet	19,29,994	
1,79,000	जमा—वर्ष में समायोजन Add : Investments during the year	84,000	
19,29,994			20,13,994
39,09,49,658	अग्रे ले जाया गया योग Total Carried Over		46,42,73,272

वास्तविक आंकड़े 1973-74 Actuals 1973-74	दायित्व LIABILITIES	राशि Amount	राशि Amount
Rs.		Rs.	Rs.

पीछे से लाया गया योग
1,04,72,54,143 Total Brought Forward 1,26,39,67,243

आगे ले जाया गया योग
1,04,72,54,143 Total Carried Over

1,26,39,67,243

वास्तविक आंकड़े 1973-74 Actuals 1973-74	सम्पत्ति ASSETS	राशि Amount	राशि Amount
Rs.		Rs.	Rs.

पीछे से लाया गया योग
39,09,49,658 Total Brought Forward 46,42,73,272

चिकित्सालयों के भवनों की मरम्मत व
अनुसंधान आरक्षित निधि ।
(f) Repairs & Maintenance Reserve
Fund of Hospital Buildings

पिछले तुलनपत्र के अनुसार
2,39,04,050 As per last balance sheet 2,81,37,050
जमा—वर्ष में किया गया विनियोग
80,33,700 Add: Investments made during the year 37,68,800
3,19,37,750 3,19,05,850

कम—विनियोग के बिक्री या परिपाक पर वसूली
(—)38,00,700 Less: Realisation on maturity or sale of investments (—)14,600
2,81,37,050 3,18,91,250

स्थायी (आंशिक तथा पूर्ण) अपंगता हित-
लाभ आरक्षित निधि
(g) Permanent (Partial & Total) Dis-
ablement Benefit Reserve Fund

पिछले तुलनपत्र के अनुसार
8,82,57,929 As per last balance sheet 10,01,27,929
जमा—वर्ष में किया गया विनियोग
2,18,33,000 Add: Investments made during the year 2,33,78,000
11,00,90,929 12,35,05,929

कम—विनियोजन की बिक्री या परिपाक पर वसूली
(—)99,63,000 Less: Realisation on maturity or sale of investments (—)1,02,83,000
10,01,27,929 11,32,22,929

आगे ले जाया गया योग
51,92,14,637 Total Carried Over

60,93,87,451

वास्तविक आंकड़े 1973-74	दायित्व	राशि	राशि
Actuals 1973-74	LIABILITIES	Amount	Amount
		रु०	रु०
Rs.		Rs.	Rs.
	पीछे ले लाया गया योग		
1,04,72,54,143	Total Brought Forward		1,26,39,67,243

वास्तविक आंकड़े	सम्पत्ति	राशि	राशि
1973-74			
Actuals	ASSETS	Amount	Amount
1973-74			
Rs.		₹.	₹.
		Rs.	Rs.
51,92,14,637	पीछे से लाया गया योग Total Brought Forward		60,93,87,451
	आश्रितजन हितलाभ आरक्षित निधि (h) Dependents' Benefit Reserve Fund		
3,89,60,507	पिछले तुलनपत्र के अनुसार As per last balance sheet	4,96,31,507	
1,39,45,300	जमा—वर्ष में किया गया विनियोग Add—Investments made during the year	1,63,60,000	
5,29,05,807		6,49,91,507	
	कम—विनियोग की बिक्री या परिष्कार पर वसूली		
(—) 42,74,300	Less—Realisation on maturity or sale of investments	(—) 74,91,000	
4,96,31,507			5,75,00,507
	क० रा० बी० नि० भविष्य निधि (i) E.S.I. Corproation Provident Fund		
1,94,86,788	पिछले तुलनपत्र के अनुसार As per last balance sheet	2,19,18,000	
54,63,400	जमा—वर्ष में किया गया विनियोग Add—Investments made during the year	55,82,800	
2,49,50,188		2,75,00,800	
	कम—विनियोग की बिक्री या परिष्कार पर वसूली		
(—) 30,32,188	Less—Realisation on maturity or sale of investments	(—) 25,40,800	
2,19,18,000		2,49,60,000	
58,97,64,144	आगे ले जाया गया योग Total Carried Over		69,18,47,958

[illegible]

वास्तविक आंकड़े 1973-74	सम्पत्ति ASSETS	राशि Amount	राशि Amount
Actuals 1973-74			
₹.		₹.	₹.
Rs.		Rs.	Rs.
	पीछे से लाया गया योग		
71,30,23,725	Total Brought Forward		84,30,96,539
	आपतकालीन आरक्षित निधि		
	Emergency Reserve Fund		
	पिछले तुलन पत्र के अनुसार		
—	As per last balance sheet	5,60,00,000	
	वर्ष में विनियोजन		
5,60,00,000	Investments during the year	2,29,00,000	
	कम: विनियोग की बिक्री या परिपाक पर		
	वसूली		
—	Less—Realisation on maturity or sale of investments	—	
5,60,00,000			7,89,00,000
	सामान्य रोकड़ शेष		
	General Cash Balance		
	पिछले तुलनपत्र के अनुसार		
21,72,96,000	As per last balance sheet	23,25,00,000	
	जमा—वर्ष में विनियोग		
19,16,04,000	Add—Investments made during the year	33,00,00,000	
40,89,00,000		56,25,00,000	
	कम—विनियोग की बिक्री या परिपाक पर		
	वसूली		
17,64,00,000	Less—Realisation on maturity sale of investments	(—)27,00,00,000	
23,25,00,000		29,25,00,000	
	बैंक और हाथ में रोकड़		
4,57,30,418	Cash in hand & with bankers	4,94,70,704	
27,82,30,418			34,19,70,704
1,04,72,54,143	महायोग Grand Total		1,26,39,67,243

A. S. SEYMOUR,
Financial Adviser and
Chief Accounts Officer.

कर्मचारी राज्य बीमा निगम EMPLOYEES' STATE INSURANCE CORPORATION				व्यय			
बजट प्राक्कलन 31 मार्च, 1976 को समाप्त होने वाले वर्ष के आय और व्यय का लेखा BUDGET ESTIMATES FOR THE YEAR ENDING 31ST MARCH, 1976 (BUDGET ESTIMATES)				EXPENDITURE			
परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	लेखा के शीर्ष Head of Accounts	राशि Amount	राशि Amount	परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	लेखा के शीर्ष Head of Accounts	राशि Amount	राशि Amount
रु० Rs.		रु० Rs.	रु० Rs.	रु० Rs.		रु० Rs.	रु० Rs.
	अंशदान द्वारा By Contributions :				बीमाकृत व्यक्तियों तथा उनके परिवारों को हितलाभ 1. Benefits to Insured Persons and their families		
65,60,46,000	नियोक्ता तथा कर्मचारियों का अंशदान Employers' & Employees' Shares		72,98,31,000		चिकित्सा हितलाभ A.—Medical Benefits		
	निगम के द्वारा चिकित्सा लाभ पर प्रारम्भिक रूप से किये गये व्यय में राज्य सरकारों का अंश State Govt's share towards medical benefits initially incurred by the Corporation		45,91,000	27,06,62,000	(i) Payments to State Governments etc. as Corporation's share of their Expenses on providing Medical treatment and care Maternity facilities	31,04,62,000	
3,46,32,000	राजस्व के अन्य शीर्ष Other Heads of Revenue				चिकित्सा उपचार व देखरेख तथा प्रसूति सुविधाओं के लिये राज्यों द्वारा किये गये व्यय में निगम के अंश को राज्य सरकारों को अदायगी		
3,46,33,000	ब्याज तथा लाभांश (iii) Interest & Dividends	3,64,39,000		1,53,20,000	(ii) Medical Treatment & Care and Maternity facilities (expenses directly incurred by the Corporation)	2,34,55,000	
1,03,52,500	अतिपूर्ति (iv) Compensations	1,03,58,000			योग अ—चिकित्सा हितलाभ Total-A—Medical Benefit		33,39,17,000
	किराया, महसूल तथा कर (v) Rents, Rates & Taxes			28,59,82,000	बनकद हितलाभ B—Cash Benefits		
4,24,000	निगम के कार्यालय (स्टाफ क्वार्टर सहित) (i) Offices of the Corporation (including staff quarters)	4,57,500			बीमारी हितलाभ		
1,79,58,000	चिकित्सालय/औषधालय तथा स्टाफ क्वार्टर (ii) Hospitals, Dispensaries & Staff Quarters	1,78,58,000		11,66,84,000	1. Sickness Benefit	12,25,47,000	
63,000	शुल्क, जुर्माना तथा अधिकरण (vi) Fees, Fines & Forfeitures	72,000		1,16,30,000	विस्तारित बीमारी हितलाभ 2. Extended Sickness Benefit	1,27,10,000	
7,42,500	विविध (vii) Miscellaneous	8,67,500		84,07,000	मातृत्व हितलाभ 3. Maternity Benefit	89,52,000	
6,41,73,000	राजस्व के अन्य शीर्षों का योग Total of other heads of Revenue		6,60,52,000	2,19,20,000	अपंगता हितलाभ 4. Disablement Benefit		
72,51,40,000	आगे ले जाया गया योग Total Carried Over		80,04,74,000	3,04,16,000	अस्थायी (a) Temporary	2,45,89,000	
					स्थायी (पूँजीगत मूल्य) (b) Permanent (Capitalised value)	3,81,99,000	
				18,90,66,000	आगे ले जाया गया योग Total Carried Over	20,69,97,000	33,39,17,000

आय
INCOME

परिशोधित प्राक्कलन	लेखा के शीर्ष	राशि	राशि
1974-75 Revised Estimates 1974-75	Head of Account	Amount .	Amount
रु० Rs.	पीछे से लाया गया योग	रु० Rs.	रु०
72,51,40,000	Total Brought Forward		80,04,74,000
72,51,40,000	आगे ले जाया गया योग Total Carried Over		80,04,74,000

व्यय EXPENDITURE

परिशीलित प्राक्कलन 1974-75	लेखा के शीर्ष Head of Accounts	राशि Amount	राशि Amount	राशि Amount
18,90,66,000	पीछे से लाया गया योग Total Brought Forward	20,69,97,000	33,39,17,000	
97,49,000	आश्रितजन हितलाभ (पूँजीकृत मूल्य) 5. Dependents' Benefit Capitalised Value	1,41,99,000		
9,14,000	अन्त्येष्टि हितलाभ 6. Funeral Benefit	10,67,000		
19,97,29,000	कुल व नकद हितलाभ Total-B-Cash Benefit		22,22,63,000	
	स-अन्य हितलाभ C-Other Benefits			
55,500	अपंग बीमाकृत व्यक्तियों के पुनर्वास पर व्यय (a) Expenditure on Rehabilitation of disabled Insured Persons.	68,000		
3,56,500	चिकित्सा मण्डल तथा अपील अधिकरण (b) Medical Boards & Appeal Tribunals	4,21,000		
1,20,000	मजदूरों की हानि तथा सवारी शुल्क के कारण बीमाकृत व्यक्तियों को भुगतानी (c) Payments to Insured Persons on A/c of Conveyance Charges &/or loss of Wages	1,38,500		
	सहायता अनुदान Grant-in-aid			
2,68,500	विविध (d) Miscellaneous	3,12,000		
8,00,500	योग स-अन्य हितलाभ Total-C-Other Benefits		9,39,500	
48,65,11,500	कुल I बीमाकृत व्यक्तियों तथा उनके परिवारों की हित लाभ Total-I-Benefits to Insured Persons & their Families			55,71,19,500
	प्रशासन व्यय 2. Administration Expenses			
	अ-अधीक्षक A-Superintendence			
90,000	नियम स्थायी समिति, क्षेत्रीय मण्डल आदि । 1 Corporation, Standing Committee, Regional Boards	98,000		
20,30,000	प्रधान अधिकारी Principal Officers	3,09,000		
3,20,000	आगे ले जाया गया योग Total Carried Over	4,07,000		55,71,19,500

परिमोचित प्राप्तकलन 1974-75 Revised Estimates 1974-75	लेखा के शीर्ष Head of Accounts	राशि Amount	राशि Amount
₹० Rs.		₹० Rs.	₹० Rs.
	पीछे से लाया गया योग Total Brought Forward		80,04,74,000
72,51,40,000			
	आगे ले जाया गया योग Total Carried Over		80,04,74,000
72,51,40,000			

परिमोचित प्राप्तकलन 1974-75 Revised Estimates 1974-75	लेखा के शीर्ष Head of Accounts	राशि Amount	राशि Amount	राशि Amount
₹० Rs.		₹० Rs.	₹० Rs.	₹० Rs.
3,20,000	पीछे से लाया गया योग Total Brought Forward	4,07,000		55,71,19,500
41,44,000	अन्य अधिकारी 3. Other Officers	48,21,000		
1,99,93,000	लिपिक वर्गीय स्थापना 4. Ministerial Establishments	2,21,99,000		
36,27,000	चतुर्थ श्रेणी कर्मचारी 5. Class IV Servants	40,28,000		
98,69,000	आकस्मिक व्यय 6. Contingencies	98,40,000		
3,79,53,000	कुल -अ-अधीक्षण Total—A—Superintendence		4,12,95,000	
	ब-क्षेत्रीय कार्य B—Field Works			
12,36,000	अधिकारी 1. Officers	14,87,000		
2,02,31,000	लिपिक वर्गीय स्थापना 2. Ministerial Establishment	2,20,48,000		
35,84,000	चतुर्थ श्रेणी कर्मचारी 3. Class IV Servants	39,89,000		
26,94,000	आकस्मिक व्यय 4. Contingencies	28,34,000		
2,77,45,000	कुल -ब-क्षेत्रीय कार्य Total—B—Field Work		3,03,58,000	
	स-अन्य खर्च C—Other Charges			
3,38,000	विधि खर्च Legal Charges	3,25,000		
1,44,000	बीमा न्यायालय Insurance Courts	1,60,000		
29,000	प्रचार एवं विज्ञापन Publicity & Advertisement	30,000		
90,000	बैंकिंग लेखा रखने के खर्च Charges for maintaining Bank- ing Accounts	75,000		
1,30,000	लेखा परीक्षा शुल्क Audit Fee	1,30,000		
7,31,000	आगे ले जाया गया योग Total Carried Over	7,20,000	7,16,53,000	55,71,19,500

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	लेखा के शीर्ष Head of Accounts	राशि Amount	राशि Amount
रु० Rs.		रु० Rs.	रु० Rs.
72,51,40,000	पीछे से लाया गया योग Total Brought Forward		80,04,74,000
महायोग Grand Total			80,04,74,000

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	लेखा के शीर्ष Head of Accounts	राशि Amount	राशि Amount	राशि Amount
रु० Rs.		रु० Rs.	रु० Rs.	रु० Rs.
	पीछे से लाया गया योग Total Brought Forward			63,27,93,500
	3—चिकित्सालय तथा औषधालय 3-Hospitals & Dispensaries			
24,83,000	चिकित्सालय भवनों पर मूल्यह्रास (a) Depreciation of Hospitals Buildings		25,00,000	
71,00,000	चिकित्सालय के भवनों की मरम्मत व संरक्षण (b) Repair & Maintenance of Hospital Buildings		72,00,000	
95,83,000	कुल—शीर्ष 3—चिकित्सालय तथा औषधालय Total—Head-3—Hospitals & Dispensaries			97,00,000
	4. पूंजीगत निर्माण एवं आपतकालीन आरक्षित निधि के लिये योगदान 4. Contributions to Capital construction & Emergency Reserve Funds.			
6,56,00,000	पूंजीगत निर्माण आरक्षित निधि (c) Capital Construction Reserve Fund.		7,29,00,000	
1,82,00,000	आपतकालीन आरक्षित निधि (d) Emergency Reserve Fund		1,68,00,000	
8,38,00,000	कुल—शीर्ष 4—पूंजीगत निर्माण एवं आपतकालीन आरक्षित निधि के लिये योगदान Total-Head-4-Contributions to Capital Construction & Emergency Reserve Funds			8,97,00,000
65,01,11,500	राजस्व खाते पर कुल व्यय Total Expenditure on Revenue Account			73,21,93,500
7,50,28,500	व्यय से अधिक आय के अतिशेष को आगे तुलनपत्र में ले जाया गया Excess of Income over expenditure carried over to Balance Sheet			6,82,80,500
72,51,40,000	महायोग Grand Total			80,04,74,000

A. S. SEYMOUR, Financial Adviser and Chief Accounts Officer
Employees' State Insurance Corporation

कर्मचारी राज्य बीमा निगम
EMPLOYEES' STATE INSURANCE CORPORATION
31 मार्च, 1976 का तुलनपत्र (बजट प्राक्कलन)
Balance Sheet as on 31st March, 1976 (Budget Estimates)

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	दायित्व LIABILITIES	राशि Amount	राशि Amount	परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	परिमपत्ति ASSETS	राशि Amount	राशि Amount
Rs.		Rs.	Rs.	Rs.		Rs.	Rs.
	व्यय से अधिक आय का अतिशेष Balance of excess of income over expenditure				भूमि तथा भवन Lands and Buildings		
58,13,76,353	पिछले तुलनपत्र के अनुसार As per last balance sheet	65,64,04,853			निगम के कार्यालयों के लिये भवन (स्टाफ क्वार्टरों सहित) (a) Buildings for the officers of the Corporation (including staff quarters).		
7,50,28,500	वर्ष में संचयन Accumulations during the year	6,82,80,500	72,46,85,353		पिछले तुलनपत्र के अनुसार As per last Balance Sheet	3,49,74,765	
65,64,04,853	कम—आपत्तकालीन आरक्षित निधि को हस्ता- न्तरित राशि Less : Amount transferred to Emergency Reserve Fund			2,84,74,765	वर्ष में संकलन Additions during the year	65,00,000	4,14,74,765
	पूंजीगत निर्माण आरक्षित निधि Capital Construction Reserve Fund			65,00,000			
14,01,15,495	पिछले तुलनपत्र के अनुसार As per last balance sheet	21,24,90,495		3,49,74,765	चिकित्सालय तथा औषधालय (b) Hospitals & Dispensaries		
6,56,00,000	वर्ष में किया गया उपबन्ध Provision during the year	7,29,00,000		31,10,54,715	पिछले तुलनपत्र के अनुसार As per last balance sheet	35,59,54,715	
67,75,000	विनियोजन से प्राप्त व्याज Interest received from Investments	93,00,000	29,46,90,495	4,12,00,000	वर्ष में संकलन Additions during the year	6,81,63,000	
21,24,90,495	आपत्तकालीन आरक्षित निधि Emergency Reserve Fund			35,59,54,715			42,41,47,715
5,63,56,000	पिछले तुलनपत्र के अनुसार As per last balance sheet	7,92,56,000			स्टाफ कारें Staff Cars		
1,82,00,000	वर्ष में किया गया उपबन्ध Provision made during the year	1,68,00,000		3,90,759	पिछले तुलनपत्र के अनुसार As per last balance sheet	5,18,759	
47,00,000	विनियोजन से प्राप्त व्याज Interest received from investments	73,30,000		1,28,000	जमा—वर्ष में किया गया भुगतान Add : Payment made during the year	1,54,000	
7,92,56,000			10,33,86,000	5,18,759			6,72,759
94,81,51,348	आगे ले जाया गया योग Total Carried Over		1,12,27,61,848	39,14,48,239	आगे ले जाया गया योग Total Carried Over		46,62,65,239

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	दायित्व LIABILITIES	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
94,81,51,348	पीछे ले लाया गया योग Total Brought Forward		1,12,27,61,848
	स्थायी (आंशिक तथा पूर्ण) अपंगता हितलाभ आरक्षित निधि Permanent (Partial & Total) Dis- ability Benefit Reserve Fund		
10,01,29,732	पिछले तुलनपत्र के अनुसार As per last balance sheet	11,32,24,732	
		3,81,99,000	
3,04,16,000	वर्ष में किया गया उपबन्ध Provision made during the year		
	वित्तियोग से प्राप्त व्याज Interest received from investments	96,63,000	
77,89,000			
13,83,34,732		16,10,86,732	
(—)2,51,10,000	कम—वर्ष में किया गया भुगतान Less : Payments made during the year	(—)2,80,96,000	13,29,90,732
11,32,24,732			
	आश्रितजन हितलाभ आरक्षित निधि Dependents' Benefit Reserve Fund		
4,86,32,421	पिछले तुलनपत्र के अनुसार As per last balance sheet	5,75,02,221	
	वर्ष में किया गया उपबन्ध Provision made during the year	1,41,99,000	
97,49,000	वित्तियोग से प्राप्त व्याज Interest received from investments	54,05,000	
42,17,800			
6,25,99,221		7,71,06,221	
	कम—वर्ष में किया गया भुगतान Less : Payments made during the year	(—)57,98,000	7,13,08,221
(—)50,97,000			
5,75,20,221			
	आगे ले जाया गया योग Total Carried Over		1,32,70,60,801

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	परि सम्पत्ति ASSETS	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
39,14,48,239	पीछे ले लाया गया योग Total Brought Forward		46,62,65,239
	निगम के कार्यालयों के अध्यक्षों को स्थायी अग्रिम Permanent Advances to the Heads of Offices of the Corporation		
41,038	पिछले तुलनपत्र के अनुसार As per last balance sheet	45,838	
5,000	वर्ष में किया गया भुगतान Payments made during the year	11,000	
46,038		56,838	
(—) 200	कम—वर्ष में हुई वसूली Less : Recoveries made during the year	(—) 200	56,638
45,838			
	निगम के कर्मचारियों के स्थानान्तरण पर अग्रिम वैतन Advance of pay on transfer of the Em- ployees of the Corporation		
18,734	पिछले तुलनपत्र के अनुसार As per the last balance sheet	38,734	
1,00,000	जमा—वर्ष में किया गया भुगतान Add : Payments made during the year	1,20,000	
1,18,734		1,58,734	
(—) 80,000	कम—वर्ष में हुई वसूली Less : Recoveries made during the year	(—)1,00,000	58,734
38,734			
	आगे ले जाया गया योग Total Carried Over		46,65,80,611

परिष्ठापित प्राक्कलन 1974-75	दायित्व	राशि	राशि
Revised Estimates 1974-75	Liabilities	Amount	Amount
Rs.		Rs.	Rs.
1,11,88,78,301	पीछे से लाया गया योग Total Brought Forward		1,32,70,60,801
	कर्मचारी राज्य बीमा निगम भविष्य निधि Employees' State Insurance Corporation Provident Fund		
2,19,38,188	पिछले तुलनपत्र के अनुसार As per last balance sheet	2,49,80,188	
	जमा-वर्ष के अन्तर्गत आंकलित राशि Add: Credits during the year		
61,69,000	कर्मचारियों का अंशदान Employees' Subscription	66,00,000	
2,40,000	निगम का अंशदान Corporation's Contribution	2,60,000	
14,78,000	व्याज (कर्मचारियों तथा निगम के अंश पर) Interest on Employees' and Corporation's shares	16,58,000	
2,98,25,188		3,34,98,188	
(—)48,45,000	कम-वर्ष में किया गया भुगतान Less : Payments made during the year	(—)54,00,000	
2,49,80,188			2,80,98,188
	निगम के कार्यालयों के भवनों (स्टाफ क्वार्टर सहित) को मूल्यह्रास आरक्षित निधि Depreciation Reserve Fund of Buildings for the Office of the Corporation (in- cluding staff quarters).		
14,78,806	पिछले तुलनपत्र के अनुसार As per last Balance sheet	17,94,806	
1,83,000	वर्ष के अन्तर्गत किया गया उपबन्ध Provision made during the year	1,85,000	
1,33,000	विनियोग से प्राप्त व्याज Interest received from investments	1,78,000	
17,94,806			21,57,806
1,14,56,53,295	आगे ले जाया गया योग Total Carried Over		1,35,73,16,795

परिष्ठापित प्राक्कलन 1974-75	परिसम्पत्ति	राशि	राशि
Revised Estimates 1974-75	Assets	Amount	Amount
Rs.		Rs.	Rs.
39,15,32,811	पीछे से लाया गया योग Total Brought Forward		46,63,80,611
	निगम के कर्मचारियों के स्थानान्तरण पर यात्रा भत्ता अग्रिम Advance of T.A. on transfer to the Employees of the Corporation.		
83,149	पिछले तुलनपत्र के अनुसार As per last balance sheet	1,43,149	
1,30,000	जमा-वर्ष में किया गया भुगतान Add: Payments made during the year	1,40,000	
2,13,149		2,83,149	
(—)70,000	कम-वर्ष के अन्तर्गत हुई वसूली Less Recoveries made during the year	(—)75,000	
1,43,149			2,08,149
	निगम के कर्मचारियों की वहन क्यण के लिये अग्रिम Advance for purchase of Conveyance to the Employees of the Corporation		
9,62,131	पिछले तुलनपत्र के अनुसार As per last balance sheet	8,72,131	
5,60,000	जमा-वर्ष के अन्तर्गत किया गया भुगतान Add : Payments during the year	6,00,000	
15,22,131		14,72,131	
(—) 6,50,000	कम-वर्ष के अन्तर्गत की गई वसूली Less : Recoveries made during the year	(—)8,00,000	
8,72,131			6,72,131
39,25,48,091	आगे ले जाया गया योग Total Carried Over		46,72,60,891

परिचोदित प्राक्कलन 1974-75 Revised Estimates 1974-75	दायित्व LIABILITIES	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
1,14,56,53,295	पीछे से लाया गया योग Total Brought Forward		1,35,73,16,795
	चिकित्सालयों के भवनों के लिये मूल्यह्रास आरक्षित निधि Depreciation Reserve Fund of Hospital Buildings		
1,59,32,411	पिछले तुलनपत्र के अनुसार As per last balance sheet	1,98,41,411	
24,93,000	वर्ष के दौरान किया गया उपबन्ध Provision made during the year	25,00,000	
14,16,000	विनियोग से प्राप्त व्याज Interest received from investment	19,35,000	
1,98,41,411			2,42,76,411
	स्टाफ कारों की मूल्यह्रास आरक्षित निधि। Depreciation Reserve Fund of Staff Cars.		
2,84,404	पिछले तुलनपत्र के अनुसार As per last balance sheet	3,10,404	
35,000	वर्ष के दौरान किया गया उपबन्ध Provision made during the year	37,000	
25,000	विनियोग से प्राप्त व्याज Interest received from investment	27,000	
3,44,404		3,74,404	
(—)34,000	कम—वर्ष के दौरान किया गया भुगतान Less: Payments made during the year	(—)1,02,000	
3,10,404			2,72,404
	अगे ले जाया गया योग Total Carried Over		1,38,18,65,610

परिचोदित प्राक्कलन 1974-75 Revised Estimates 1974-75	परिसम्पत्ति ASSETS	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
39,25,48,091	पीछे से लाया गया योग Total Brought Forward		46,72,60,891
	भवन निर्माण अग्रिम House Building Advances.		
21,23,703	पिछले तुलनपत्र के अनुसार As per last balance sheet	31,23,703	
12,00,000	जमा—वर्ष के दौरान किया गया भुगतान Add: Payments made during the year	15,00,000	
33,23,703		46,23,703	
(—)2,00,000	कम—वर्ष में हुई वसूली Less: Recoveries made during the year	(—)2,50,000	
31,23,703			43,73,703
	निगम के कर्मचारियों को विविध अग्रिम (त्यौहार अग्रिम) Miscellaneous Advances to the Emp- loyees of Corporation (Festival Advances).		
3,63,551	पिछले तुलनपत्र के अनुसार As per last balance sheet	43,551	
3,80,000	जमा—वर्ष में किया गया भुगतान Add: Payments during the year	6,50,000	
7,43,551		6,93,551	
(—)7,00,000	कम—वर्ष के अन्तर्गत की गई वसूली Less: Recoveries made during the year	(—) 6,80,000	
43,551			13,551
	अगे ले जाया गया योग Total Carried Over		47,16,48,145

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	दायित्व LIABILITIES	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
1,16,58,05,110	पीछे से लाया गया योग Total Brought Forward		1,38,18,65,610
	निगम के कार्यालयों के भवनों (स्टाफ क्वार्टरों सहित) की मरम्मत व अनुरक्षण आरक्षित निधि Repairs & Maintenance Reserve Fund of Buildings for the offices of the Corporation (including staff quarters).		
28,44,143	पिछले तुलनपत्र के अनुसार As per last balance sheet	33,23,143	
5,28,000	वर्ष में किया उपबन्ध Provision made during the year	5,30,000	
1,56,000	विनियोग से प्राप्त व्याज Interest received from investments	1,77,000	
35,28,143		40,35,143	
(—)2,00,000	कम—वर्ष में किया गया भुगतान Less: Payments made during the year	(—)2,25,000	
33,28,143			38,10,143
	चिकित्सालयों के भवनों की मरम्मत व अनुरक्षण आरक्षित निधि लेखा। Repairs & Maintenance Reserve Fund Account of Hospital Buildings.		
3,47,42,825	पिछले तुलनपत्र के अनुसार As per last balance sheet	4,41,96,825	
72,10,000	वर्ष में किया गया उपबन्ध Provision made during the year	72,00,000	
25,44,000	विनियोग से प्राप्त व्याज Interest received from investments	31,50,000	
4,44,96,825		5,45,46,825	
(—)3,00,000	कम—वर्ष में किया गया भुगतान Less: Payments made during the year	(—)3,50,000	
4,41,96,825			5,41,96,825
1,21,33,30,078	आगे ले जाया गया योग Total Carried Over		1,43,98,72,578

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	परिसम्पत्ति ASSETS	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
39,57,15,345	पीछे से लाया गया योग Total Brought Forward		47,16,48,145
	राज्य सरकारों की ओर से अग्रिम अदायगी Advance payments on behalf of State Governments.		
6,107	पिछले तुलनपत्र के अनुसार As per last balance sheet	4,107	
3,000	जमा—वर्ष में की गयी अदायगी Add: Payments made during the year	5,000	
9,107		9,107	
5,000	कम—वर्ष में की गई वसूली Less: Recoveries made during the year	4,000	
4,107			5,107
	निम्नलिखित की मरम्मत व अनुरक्षण आदि के लिये राज्य सरकारों आदि को दिया गया अग्रिम Advances to the State Governments etc. for the Repairs and Maintenance etc. of :—		
	निगम के कार्यालयों के भवन (स्टाफ क्वार्टरों सहित) (a) Buildings of offices of the Corpo- ration (including staff quarters).		
8,38,038	पिछले तुलनपत्र के अनुसार As per last balance sheet	10,38,038	
4,00,000	जमा—वर्ष में की गई अदायगी Add: Payments made during the year	4,50,000	
12,38,038		14,88,038	
(—)2,00,000	कम—वर्ष में हुई वसूली/समायोजन Less: Recoveries/Adjustments during the year.	(—)2,25,000	
10,38,038			12,63,038
39,67,57,490	आगे ले जाया गया योग Total Carried Over		47,29,16,290

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75 Rs.	दायित्व LIABILITIES	राशि Amount Rs.	राशि Amount Rs.	परिशोधित प्राक्कलन 1974-75 Rs.	परिसम्पत्ति ASSETS	राशि Amount Rs.	राशि Amount Rs.
1,21,33,30,078	पीछे से लाया गया योग Total Brought Forward		1,43,98,72,578	39,67,57,490	पीछे से लाया गया योग Total Brought Forward		47,29,16,290
	निगम के कर्मचारियों के लिये पेंशन आरक्षित निधि । Pension Reserve Fund for Employees of the Corporation.				ब—चिकित्सालय/औषधालय आदि (b) Hospitals/Dispensaries etc.		
4,13,37,616	पिछले तुलनपत्र के अनुसार As per last balance sheet	4,83,51,416		65,04,817	पिछले तुलनपत्र के अनुसार As per last balance sheet	1,19,04,817	
37,74,800	वर्ष में किया गया उपबन्ध Provision made during the year	41,59,600		57,00,000	जमा—वर्ष में किया गया भुगतान Add: Payments made during the year	59,00,000	
37,39,000	विनियोजन द्वारा प्राप्त व्याज Interest received from Investments	42,53,000		1,22,04,817		1,78,04,817	
4,88,51,416	कम—वर्ष में किया गया भुगतान Less: Payments made during the year	5,67,64,016		(—)3,00,000	कम—वर्ष में किया गया समायोजन Less: Adjustment during the year	(—)3,50,000	
(—)5,00,000				1,19,04,817			1,74,54,817
4,83,51,416	निगम के कर्मचारियों के लिये अनुकम्पा आरक्षितनिधि Compassionate Reserve Fund for the Employees of the Corporation.		5,67,64,016		विविध अग्रिम Miscellaneous Advances		
10,000	पिछले तुलनपत्र के अनुसार As per last balance sheet	10,000		12,32,435	पिछले तुलनपत्र के अनुसार As per last balance sheet	15,07,435	
12,000	वर्ष में किया गया उपबन्ध Provision made during the year	10,000		6,00,000	जमा—वर्ष में किया गया भुगतान Add: Payments made during the year	6,50,000	
22,000		20,000		18,32,435		21,57,435	
(—)12,000	कम—वर्ष के अन्तर्गत किया गया भुगतान Less: Payments made during the year	(—)10,000		(—) 3,25,000	कम—वर्ष में प्राप्तियां Less: Receipts during the year	(—) 3,50,000	
10,000			10,000	15,07,435			18,07,435
1,26,16,91,494	आगे ले जाया गया योग Total Carried Over		1,49,66,46,594	41,01,69,742	आगे ले जाया गया योग Total Carried Over		49,21,78,542

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	दायित्व LIABILITIES	राशि Amount Rs.	राशि Amount Rs.
1,26,16,91,494	पीछे से लाया गया योग Total Brought Forward		1,49,66,46,594
	जमानत जमा उदाहरणार्थ ठेकेदार Deposits of Securities e.g. Contractors		
2,40,402	पिछले तुलनपत्र के अनुसार As per last balance sheet	4,40,402	
3,50,000	जमा—वर्ष में जमा Add: Deposits during the year	2,00,000	
5,90,402		6,40,402	
(—)1,50,000	कम—वर्ष के अन्तर्गत जमा का द्वारा से मुस्तान Less: Deposits repaid during the year	2,00,000	
4,40,402			4,40,402
	अन्य जमा Other Deposits		
18,35,347	पिछले तुलनपत्र के अनुसार As per last balance sheet	18,35,347	
45,00,000	जमा—वर्ष के दौरान आंकलन Add: Credits during the year	46,00,000	
63,35,347		64,35,347	
(—)45,00,000	कम—वर्ष के अन्तर्गत मुस्तान Less: Payments made during the year	(—)46,00,000	
18,35,347			18,35,347
1,26,39,67,243	आगे ले जाया गया योग Total Carried Over		1,49,89,22,343

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	परिमप्यन्ति ASSETS	राशि Amount Rs.	राशि Amount Rs.
41,01,69,742	पीछे से लाया गया योग Total Brought Forward		49,21,78,542
	राज्य सरकारों को स्वीकृत ऋण Loans granted to State Governments		
2,60,33,333	पिछले तुलनपत्र के अनुसार As per last balance sheet	3,02,99,933	
54,00,000	जमा—वर्ष में किया गया भुगतान Add: Payments made during the year	27,56,300	
3,14,33,333		3,30,56,233	
(—)11,33,400	कम—वर्ष में ऋण की वापसी Less: Refunds during the year	(—)15,33,400	
3,02,99,933			3,15,22,833
	प्रेषित धन Remittances		
	नकद प्रेषित धन Cash Remittances		
(—)66,76,000	पिछले तुलनपत्र के अनुसार As per last balance sheet	(—)	—
1,06,76,000	जमा—वर्ष में समायोजित व्यवकलन Add: Debits adjusted during the year	40,00,000	
40,00,000		40,00,000	
(—)40,00,000	कम—वर्ष में समायोजित आंकलन Less: Credits adjusted during the year	(—)40,00,000	
—			—
44,04,69,675	आगे ले जाया गया योग Total Carried Over		52,37,01,375

[illegible]

परिशोधित प्राक्कलन 1974-75	परिसम्पत्ति	राशि	राशि
Revised Estimates 1974-75	ASSETS	Amount	Amount
Rs.		Rs.	Rs.
	पीछे से लाया गया योग		
44,04,69,675	Total Brought Forward		52,37,01,375
	अन्य प्रेषित धन—विनियोग लेखा		
	Other Remittances—Exchange Account		
	पिछले तुलनपत्र के अनुसार		
3,786	As per last balance sheet		
	जमा—वर्ष में व्यवकलन		
2,00,000	Add: Debits during the year	2,00,000	
2,03,786		2,00,000	
	कम—वर्ष में आकलन		
(—)2,03,786	Less: Credits during the year	(—)2,00,000	
	लागत पर विनियोजन		
	Investments at cost		
	निगम के कार्यालयों के भवनों (स्टाफ क्वार्टर सहित) की मूल्यह्रास आरक्षित निधि।		
	(a) Depreciation Reserve Fund of Buildings for the office of the Corporation (including staff quarters).		
	पिछले तुलनपत्र के अनुसार		
14,76,509	As per last balance sheet	17,92,509	
	जमा—वर्ष में विनियोजन		
3,16,000	Add: Investments made during the year	3,63,000	
17,92,509		21,55,509	
	विनियोग के परिपाक या—		
	कम—भुगतान तिथि पर विनियोजन की बिक्री पर वसुली		
—	Less: Realisation on maturity or sale of investments.		
17,92,509			21,55,509
	आगे ले जाया गया योग		
44,22,62,184	Total Carried Over		52,58,56,884

परिमोचित प्राक्कलन 1974-75 Revised Estimates 1974-75	दायित्व Liabilities	राशि Amount	राशि Amount
		Rs.	Rs.
	पीछे से लाया गया योग Total Brought Forward		1,49,89,22,343
		Rs.	Rs.
1,26,39,67,243			
	आगे ले जाया गया योग Total Carried Over	1,49,89,22,343	

परिमोचित प्राक्कलन 1974-75 Revised Estimates 1974-75	परिसम्पत्ति Assets	राशि Amount	राशि Amount
		Rs.	Rs.
44,22,62,184	पीछे से लाया गया योग Total Brought Forward		52,58,56,884
	चिकित्सालय के भवनों पर मूल्यह्रास आरक्षित निधि Depreciation Reserve Fund of Hospital Buildings		
1,58,04,359	पिछले तुलनपत्र के अनुसार As per last balance sheet	1,97,13,359	
46,14,000	जमा—वर्ष में किया गया विनियोग Add : Investments made during the year	44,35,000	
2,04,18,359		2,41,48,359	
(—)7,05,000	कम—विनियोग की बिक्री या परिपाक पर वसूली Less : Realisation on maturity or sale of investments	—	
1,97,13,359			2,41,48,359
	स्टाफ कारों पर मूल्यह्रास आरक्षित निधि Depreciation Reserve Fund of Staff Cars.		
2,83,735	पिछले तुलनपत्र के अनुसार As per last balance sheet	2,83,735	
30,100	जमा—वर्ष में किया गया विनियोग Add : investments made during the year	—	
3,13,835		2,83,735	
(—)30,100	कम—विनियोग की बिक्री या परिपाक पर वसूली Less: Realisation on maturity or sale of investments	—	
2,83,735			2,83,735
	निगम के कार्यालयों के भवनों (स्टाफ क्वार्टर सहित) की मरम्मत व अनुरक्षण आरक्षित निधि (e) Repairs & Maintenance Reserve Fund of Buildings for the offices of the Corporation (including Staff quarters)		
19,29,994	पिछले तुलनपत्र के अनुसार As per last balance sheet.	20,13,994	
84,000	जमा—वर्ष में विनियोग Add : Investments during the year	32,000	
20,13,994			20,45,994
46,42,73,272	आगे ले जाया गया योग Total Carried Over		55,23,34,972

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	दायित्व Liabilities	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
	पीछे से लाया गया योग Total Brought Forward		1,49,89,22,343
1,26,39,67,243			
	आगे ले जाया गया योग Total Carried Over		1,49,89,22,343

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	परिसम्पत्ति Assets	राशि Amount	राशि Amount
Rs.		Rs.	Rs.
60,93,87,451	पीछे से लाया गया योग Total Brought Forward		72,13,15,151
	अभ्यर्थितजन हितलाभ वारन्तिव निधि (h) Dependent's Benefit Reserve Fund		
4,86,31,507	पिछले तुलनपत्र के अनुसार As per last balance sheet	5,75,00,507	
1,63,60,000	जमा—वर्ष में वित्तियोजन Add : Investments made during the year	1,38,06,000	
6,49,91,507		7,13,06,507	
	कम—वित्तियोग की बिक्री या परिपाक पर वसूली Less: Realisation on maturity or—sale of investments	—	7,13,06,507
(-)-74,91,000			
5,75,00,507			
	क० रा० बी० नि० सविष्य निधि (i) E. S. I. Corporation Provident Fund		
2,19,18,000	पिछले तुलनपत्र के अनुसार As per last balance sheet	2,49,60,000	
55,82,800	जमा—वर्ष में वित्तियोजन Add : Investments made during the year	46,13,000	
2,75,00,800		2,95,73,000	
	कम—वित्तियोग की बिक्री या परिपाक पर वसूली Less : Realisation on maturity or sale of investments	(-) 14,95,000	2,80,78,000
(-)-25,40,800			
2,49,60,000			
	आगे ले जाया गया योग Total Carried Over		82,06,99,658
69,18,47,958			

आगे ले जाया गया योग
1,26,39,67,243 Total Carried Over 1,49,89,22,343

आगे ले जाया गया योग
69,18,47,958 Total Carried Over 82,06,99,658

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	दायित्व LIABILITIES	राशि Amount	राशि Amount
		Rs.	Rs.
	पीछे से लाया गया योग Total Brought Forward		1,49,89,22,343
1,26,39,67,243			
	महायोग Grand Total		1,49,89,22,343
1,26,39,67,243			

परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	परिसम्पत्ति ASSETS	राशि Amount	राशि Amount
		Rs.	Rs.
	पीछे से लाया गया योग Total Brought Forward		98,71,97,239
84,30,96,539			
	आपातकालीन आरक्षित निधि Emergency Reserve Fund		
	पिछले तुलनपत्र के अनुसार As per last balance sheet	7,89,00,000	
5,60,00,000			
	वर्ष में विनियोजन Investments made during the year	4,41,30,000	
2,29,00,000			
7,89,00,000		12,30,30,000	
	कम-विनियोग की बिक्री या परिपाक पर वसूली Less : Realisation on maturity or sale of investments	(-) 2,00,00,000	10,30,30,000
—			
7,89,00,000			
	सामान्य नकद अतिशेष General Cash Balance		
	पिछले तुलनपत्र के अनुसार As per last balance sheet	29,25,00,000	
23,25,00,000			
	जमा-वर्ष में किया गया विनियोग Add : Investments made during the year	35,00,00,000	
33,00,00,000			
56,25,00,000		64,25,00,000	
	कम-विनियोग की बिक्री या परिपाक पर वसूली Less : Realisation on maturity of sale of investments	(-)27,75,00,000	36,50,00,000
(-)27,00,00,000			
29,25,00,000			
	बैंक तथा हाथ में रोकड़ Cash in hand & with bankers	4,36,95,104	40,86,95,104
4,94,70,704			
34,19,70,704			
	महायोग Grand Total		1,49,89,22,343
1,26,39,67,243			

A. S. SEYMOUR,
Financial Adviser and Chief Accounts Officer.

परिशिष्ट—1

APPENDIX-I

कर्मचारी राज्य बीमा निगम
Employees' State Insurance Corporationउन स्थानों की सूची जिनमें 1974-75 तक योजना का विस्तार किये जाने की प्राप्ति थी
List of Places where the Scheme was anticipated to be extended upto the end of 1974-75

राज्य/केन्द्र State/Centre	कर्मचारियों की संख्या	केवल बीमाकृत कर्मचारियों के लिए For Insured Employees only		बीमाकृत कर्मचारियों के परिवारों के लिये For families of Insured Employees	
	परिणोदित	प्रसारण की प्रारम्भिक प्रत्याशित तिथि	प्रसारण की वास्तविक/प्रत्याशित तिथि	प्रसारण की प्रारम्भिक प्रत्याशित तिथि	प्रसारण की वास्तविक/प्रत्याशित तिथि
	No. of Employees (Revised)	Date of Extension originally anticipated	Actual/anticipated date of extension	Date of extension originally anticipated	Actual/anticipated date of extension
1	2	3	4	5	6
आन्ध्र प्रदेश ANDHRA PRADESH					
श्रीराम नगर Sriram Nagar	1,300	March, 1974	September, 1975	June, 1974	December, 1975
बसंत नगर तथा गोपालपटनम Basant Nagar & Gopalpatnam	1,250	September, 1974	March, 1975	December, 1974	June, 1975
विजयापुरी Vijayapuri	200	-do-	Not anticipated	-do-	Not anticipated
असम ASSAM					
चन्द्रापुर पानीखाटी सहित Chandrapur includes Panikhati	1,200	March, 1974	February, 1975	June, 1974	May, 1975
बिहार BIHAR					
हेसला (पट्राटु) एवं बनियादीह Hesla (Patratu) & Baniadih	3,000	July, 1974	-do-	October, 1974	-do-
गुजरात GUJARAT					
सेवालिया, आनन्द वेरावल नवसारी तथा बिलीमोरा Sevalia, Anand Veravel Novsari & Billimora	22,100	March, 1974	April, 1975	June, 1974	July, 1975
सिद्धपुर Sidhpur	2,800	October, 1974	-do-	January, 1975	-do-
बरोच Broach	3,500	November, 1974	-do-	February, 1975	-do-
सुरेन्द्र नगर Surender Nagar	4,100	December, 1974	-do-	March, 1975	-do-
हरियाणा HARYANA					
बहलगर, धुलकोट और सिरसा Bahalgarh, Dhulkot & Sirsa	2,000	March, 1974	-do-	June, 1974	-do-
कर्नाटक KARNATAKA					
गडग Gadag	1,000	February, 1974	March, 1975	May, 1974	June, 1975

1	2	3	4	5	6
अम्मासन्द्रा					
Ammasandra	6,650	March, 1974	February, 1975	June, 1974	May, 1975
भद्रावती, नलवागल, वादी एवं देवासन्द्रा					
Bhadravathi, Nalvagali, Wadi & Devasandra	15,600	-do-	Not anticipated	September, 1974	Not anticipated
व्यासनेकूर					
Vyasanekere	500	June, 1974	Not anticipated	September, 1974	Not anticipated
बंगलूर के निकटवर्ती क्षेत्र					
Areas around Bangalore	3,100	-do-	March, 1975	-do-	June, 1975
केरल					
KERALA					
पंगापारा (चेट्टिविलाकम), किदांगूर, पट्टाम्बी, चंगावाचेरी, चिन्नगलूर, नेटिसेरी, ओलुकारा, मल्लुकारा तथा वड्डा-कार्मचेरी					
Pangappara (Chettivilakum) Kidangoor, Pattambi, Changavacherry, Chinagallur, Nettissawary, Ollukara, Mullukara & Wadakkancherry	3,200	February, 1974	March, 1975	May, 1974	June, 1975
पारापुकरा					
Parapukara	140	-do-	Not anticipated	-do-	Not anticipated
मध्य प्रदेश					
MADHYA PRADESH					
कटनी					
Katni	1,300	March, 1974	April, 1975	June, 1974	July, 1975
सागर					
Sagar	550	December, 1974	Not anticipated	March, 1975	Not anticipated
महाराष्ट्र					
MAHARASHTRA					
बिचोलिम मार्गओ, पानाजी, एक्सलडम, मारमागुआ					
Bicholim Margao, Panajai, Exldom, Marmagao	4,000	January, 1974	March, 1975	April, 1974	June, 1975
उड़ीसा					
ORISSA					
राउरकेला					
Rourkela	1,800	March, 1974	December, 1975	June, 1974	March, 1975
सम्बलपुर					
Sambalpur	950	July, 1974	-do-	October, 1974	-do-
लटकटा					
Latkata	700	September, 1974	-do-	December, 1974	-do-
पंजाब तथा हिमाचल प्रदेश					
PUNJAB & HIMACHAL PRADESH					
सोलन					
Solan	800	March, 1974	April, 1975	June, 1974	July, 1975
नहान तथा सुन्दर नगर					
Nahan & Sunder Nagar	1,800	-do-	Not anticipated	-do-	Not anticipated
दीना नगर जगतजीत नगर तथा मोगा					
Dina Nagar Jagatjit Nagar & Moga	2,300	June, 1974	October, 1975	September, 1974	January, 1975
राजस्थान					
RAJASTHAN					
चित्तोड़गढ़					
Chittorgarh	1,100	April, 1974	March, 1975	July, 1974	June, 1975

1	2	3	4	5	6
देवारी					
Debari	1,200	April, 1974	Not anticipated	July, 1974	Not anticipated
तमिलनाडु					
TAMIL NADU					
अत्तुर, करूर तथा मलूर					
Attur, karur, & Melur	3,200	June, 1974	February, 1975	September, 1974	May, 1975
मद्रास के उपनगर					
Madras suburbs	8,500	-do-	March, 1975	-do-	June, 1975
उत्तर प्रदेश					
UTTAR PRADESH					
हर्दुआगंज तथा नजीबाबाद					
Harduaganj & Najibabad	8,700	March, 1974	Not anticipated	June, 1974	Not anticipated
बहजोई तथा भदोई					
Bahjoi & Bhadoi	2,050	August, 1974	28-12-1974	November, 1974	28-3-1975
नैनी के उपनगर					
Nani-suburbs	1,000	-do-	January, 1975	-do-	April, 1975
रिश्कीश, हल्द्वानी तथा सरदार नगर					
Rishikesh, Haldwani & Sardar Nagar	5,800	-do-	March, 1975	-do-	June, 1975
पश्चिमी बंगाल					
WEST BENGAL					
दुर्गापुर					
Durgapur	42,500	March, 1974	Not anticipated	June, 1974	Not anticipated
आसनसोल					
Asansol	6,200	December, 1974	Not anticipated	March, 1975	Not anticipated

परिशिष्ट—II

APPENDIX—II

कर्मचारी राज्य बीमा निगम

Employees' State Insurance Corporation

30-9-1974 को योजना के अन्तर्गत आये तथा 31 मार्च 1976 तक योजना के अन्तर्गत आने वाले कर्मचारियों व परिवार
एककों की संख्या

Number of Employees and family units covered as on 30-9-1974 and to be covered under the Scheme upto 31st March, 1976

स्थान का नाम	कार्यान्वयन की तारीख	संख्या		परिवारों पर योजना के विस्तार की तारीख
		योजना के अन्तर्गत आई संख्या	योजना के अन्तर्गत आने वाली संख्या	
		NUMBER		
		already covered	to be covered	
Name of Place.	Date of Implemen- tation			Date of coverage of families
1	2	3	4	5
आंध्र प्रदेश				
ANDHRA PRADESH				
हैदराबाद तथा सिकन्दराबाद				
Hyderabad and Secunderabad	1-5-1955	62,000		26-1-1959

1	2	3	4	5
नेलोमारला, चिट्टीवालासा, विजयवाड़ा, एलुरु, गुंटूर, विशाखापट्टनम, पेड्डाकाकनी तथा ताडेपल्ली				
Nellimarla, Chittivalasa, Vijaywada, Eluru, Guntur, Vishakhapatnam, Peddakakani and Tadepally	9-10-1955	26,600		26-1-1959
वारंगल				
Warangal	15-11-1959	6,400		14-2-1960
सीरपुर-कागज नगर				
Sirpur-Kaghaaz Nagar	27-3-1960	10,500		26-6-1960
अदोनी व काकीनाडा				
Adoni and Kakinada	14-8-1960	8,000		13-11-1960
विजयानगरम और उसके उपार्त				
Vizianagram and its out-skirts	19-11-1961	2,500		18-2-1962
कर्नूल, डोलाईस्वर्म व राजामुंद्री				
Kurnool, Dowleswarm and Rajahmundry	25-3-1962	7,050		24-6-1962
रेनीगुन्टा				
Renigunta	29-4-1962	1,200		29-7-1962
गुन्टाकल और मार्कापुरम				
Guntakal and Markapuram	17-2-1963	2,400		19-5-1963
तनुकू और मासुलीपट्टनम				
Tanuku and Masulipatnam	23-2-1964	2,150		24-5-1964
चित्तूर				
Chittoor	3-5-1964	700		2-8-1964
रामागुन्धम				
Ramagundam	2-5-1965	650		1-8-1965
नेल्लूर				
Nellore	17-10-1965	900		16-1-1966
कुड्डपा				
Cuddapah	28-11-1965	550		27-2-1966
कालाहस्ती				
Kalahasti	19-12-1965	200		20-3-1966
कूपम				
Kuppam	26-12-1965	250		27-3-1966
चिराला				
Chirala	25-9-1966	500		25-12-1966
गुडूर				
Gudur	16-10-1966	900		15-1-1967
मचैरला				
Macherla	30-10-1966	550		29-1-1967
कोठावालासाह				
Kothavalsah,	26-11-1967	450		25-2-1968
तिरुपति				
Tirupathi	17-3-1968	900		16-6-1968
नाट्टयपालेम				
Nattayapalam	2-1-1972	—		2-4-1972
यम्मिगानूर				
Yemmiganur	11-6-1972	1,200		10-9-1972
ताडेपल्लीगुडुम				
Tadepalligudem	9-7-1972	500		8-10-1972
रयाडुग				
Rayadurg	23-7-1972	550		28-19-1972

1	2	3	4	5
प्रदोडादुर Proddatur	13-8-1972	900		12-11-1972
हिन्दुपुर Hindpur	1-10-1972	800		31-12-1972
पडुगोपादु Padugopadu	8-10-1972	500		8-1-1973
महबूब नगर Mehboob Nagar	28-1-1973	700		29-4-1973
अंधेरगांव, बसंतनगर, कडप, गोपालपटनम तथा उपांत गूंदूर Andergaon, Basant Nagar Cadapah, Gopalapatnam & Out-skirts of Guntur	March, 1975		2,500	June, 1975
रोजगार के नये सेक्टर New Sectors of employment	29-3-1975		54,600	
सीमेंटनगर, देसाईपेट, (वारंगल के उपांत) कोठागुडेम, मांचेरियल एवं श्रीरामनगर Cement Nagar, Desaipet (Warrangal Out Skirts) Kothagudem, Mancherial & Sriram Nagar	Sept., 1975		3,700	Dec., 1975
असम ASSAM				
गोहाटी, तिनसुखिया, माकुम, धुबरी तथा डिब्रुगढ़ Gauhati, Tinsukia, Makum, Dhubri and Dibrugarh	28-9-1958	13,000		28-12-1958
जोरहाट Jorhat	1-9-1963	1,200		1-12-1963
चारद्वार Charduar	9-2-1969	1,100		11-5-1969
मारियानी Mariani	16-3-1969	1,500		1-12-1969
जेपुर Jeypore	23-4-1972	1,950		23-7-1972
तेजपुर Tejpur	17-3-1974	750		June, 1974
चन्द्रपुर (पानीखैटी सहित) तथा मार्गहेरिता Chandrapur (includes Panikhaiti) and Margherita	Feb., 1975		2,700	May, 1975
रोजगार के नये सेक्टर New Sectors of employment	1-7-1975		4,700	
सिलचेर, दिगबोई तथा नामरूप Silcher, Digboi & Namrup	Nov., 1975		4,650	Feb., 1976
बिहार BIHAR				
पटना, मुंगेर, कटिहार तथा समस्तीपुर। Patna, Mughghyr, Katihar and Samastipur	15-12-1957	21,350		2-10-1958
डालमियानगर, बन्जारी तथा जपला Dalmianagar, Banjari and Japla	27-3-1960	17,600		26-6-1960
धनबाद और कुमारखोबी तथा अम्बोना Dhanbad, Kumardhubi & Ambona	28-8-1960	15,500		27-11-1960
मुजफ्फरपुर, गया तथा मोकामेह Muzaffarpur, Gaya & Mokameh	31-3-1963	4,850		30-6-1963
भदानीनगर तथा मारहवाड़ा Bhadaninagar and Marhowrah	30-6-1963	3,400		29-9-1963

1	2	3	4	5
भागलपुर Bhagalpur	26-12-1965	1,300		27-3-1966
रांची (छट्टीया सहित) Ranchi inclusive Chutia	11-12-1966	6,500		12-3-1967
रामगढ़ कैंट Ramgarh Cantt.	28-11-1971	3,000		27-2-1972
आदित्यपुर Adityapur	1-10-1972	3,000		1-1-1973
रोजगार के नये सेक्टर New Sectors of employment	1-10-1975		22,800	
दिल्ली DELHI				
दिल्ली Delhi	24-2-1952	1,32,000		1-7-1959
रोजगार के नये सेक्टर New Sectors of employment	29-3-1975		40,000	
गुजरात GUJARAT				
अहमदाबाद Ahmedabad	4-10-1964	2,35,000		3-1-1965
राजकोट तथा वंकाणेर Rajkot and Wankaner	28-11-1965	12,100		27-2-1966
कैम्बे Cambay	2-10-1966	5,000		31-12-1966
पेटलाद Petlad	27-11-1966	7,800		26-2-1967
भावनगर Bhavnagar	26-2-1967	13,500		28-5-1967
मोरवी Morvi	26-3-1967	4,400		25-6-1967
कलोल तथा पोरबन्दर Kalol & Porbander	25-2-1968	18,700		26-5-1968
जामनगर तथा नदियाद Jam Nagar & Nadiad	31-3-1968	15,700		30-6-1968
धरंगधरा Dharangadhara	29-12-1968	2,100		30-3-1969
बरौदा Baroda	16-3-1969	52,000		4-8-1969
सूरत नावगाँव सहित Surat includes Navgaon etc.	30-3-1969	30,000		4-8-1969
अहमदाबाद के उपनगर Suburbs of Ahmodabad :				
(अ) विन्जोल (a) Vinzol	Feb., 1975		700	May, 1975
(ब) सरखेज (स) वतवा (द) घोडसार (b) Sarkhej (c) Vatva (d) Ghodsar	March, 1975		4,700	June, 1975
सेवालिया, आनन्द (वल्लभ विद्या नगर सहित) नवसारी, वेरावल थलतेज तथा बिल्लीमोरा Sevalia, Anand including Vallabh Vidhya Nagar, Navsari, Veraval Thaltej and Ballimora	April, 1975		28,300	July, 1975

1	2	3	4	5
हरियाणा HARYANA				
अम्बाला, भिवानी तथा यमुनानगर Ambala, Bhiwani & Yamuna Nagar	17-5-1953	22,900		1-11-1958
हिसार Hissar	8-1-1961	5,500		9-4-1961
सोनीपत Sonapat	19-2-1961	5,400		21-5-1961
फरीदाबाद Faridabad	14-1-1962	60,000		15-4-1962
पानीपत Panipat	15-9-1962	3,000		16-12-1962
पिन्जोर, सूरजपुर तथा डालमियाबादरी Pinjore, Surajpur & Dalmiadadri	21-2-1965	5,100		23-5-1965
बहादुरगढ़, बल्लभगढ़, गुरुगाँव तथा रोहतक Bahadurgarh, Ballabhgarh, Gurgaon and Rohtak	27-2-1966	23,100		29-5-1966
रेवाड़ी तथा गनौर Rewari and Ganaur	25-2-1968	2,000		26-5-1968
करनाल Karnal	2-9-1973	800		2-12-1973
रोजगार के नये क्षेत्र New Sectors of employment	29-3-1975		5,000	
सिरसा, धालकोट तथा बहलगढ़ Sirsa, Dhulkot and Bahalgarh	April, 1975		2,000	July, 1975
कर्नाटक KARNATAKA				
बंगलौर तथा उसके उपनगर Bangalore includes it suburbs	27-7-1968 24-11-1968	1,35,000		26-10-1968 23-2-1969
हुबली Hubli	27-3-1960	7,000		26-6-1960
डान्देली Dandeli	8-1-1961	5,000		9-4-1961
मंगलौर Mangalore	21-1-1962	14,000		22-4-1962
मैसूर शहर Mysore City	4-3-1962	10,500		3-6-1962
बेलगाम Belgaum	31-3-1963	3,200		30-6-1963
गुलबर्गा Gulbarga	22-3-1964	4,500		21-6-1964
गोकाक Gokak	29-3-1964	9,000		28-6-1964
देवनगरे Davangere	3-10-1965	9,250		2-1-1966
कोलेगल तथा टी० नरसीपुर Kollegal and T. Narsipur	18-3-1967	1,600		18-6-1967
नापजनगुड Nanjangud	28-1-1968	2,900		28-4-1968

1	2	3	4	5
हसन Hasan	20-9-1970	2,000		20-12-1970
हरिहार Harihar	24-3-1968	4,000		23-6-1968
के.जी.एफ. K.G.F.	26-12-1971	5,000		26-3-1972
धरवार Dharwar	16-1-1972	2,500		16-4-1972
हासपेट तथा बैल्लारी Haspet & Bellary	26-3-1972	3,000		23-6-1972
मुनीराबाद Munirabad	23-4-1972	900		23-7-1972
यमुनापुर Yamunapur	25-6-1972	1,200		24-9-1972
कनकपुरा Kanakapura	1-10-1972	600		31-12-1972
शाहबाद Shahabad	29-10-1972	3,300		28-1-1973
बेलागोला तथा कुन्दापुर Belagola and Coondapur	28-1-1973	2,200		29-4-1973
चित्रदुर्गा तथा छप्पाटना Chitradurga } Channapatna }	29-4-1973 27-5-1973	2,650		29-7-1973 26-8-1973
बागलकोट Bagalkot	24-11-1973	1,000		Feb., 1974
नरगुंद Nargund	27-10-1974	1,100		Jan., 1975
अम्मासन्दरा Ammasandra	Feb., 1975		650	May, 1975
शिमोगा, गदग, मेटागली, जोगफॉल्स तथा बंगलौर के आसपास के हावेरी तथा बैल्लारी के उपरित Shimoga, Gadag, Metagali, Jogfalls and areas around Bangalore Haveri and Bellary out skirts	March, 1975 Sept., 1975		6,200 750	June, 1975 Dec., 1975
केरल KERALA				
अलेप्पी, अर्नाकुलम, कबीलोन, अलवेयी, त्रिचुर, अलगाप्पानगर और उद्योगमंडल Alleppey, Ernakulam, Quilon, Alwaye, Trichur, Allagappanagar and Udhoga- mandal	16-9-1965	55,500		16-2-1963
त्रिवेन्द्रम Trivandrum	31-8-1958	7,800		1-2-1962
कोझिकोड और फिरोक Kozhikode and Feroke	13-7-1959	15,700		8-2-1965
मटानचेरी कोचीन व वेलिंगटन द्वीप सहित Mattancherry includes Cochin and Wellington island	{ 3-1-1960 26-1-1969	4,400		8-2-1964 27-4-1969
कन्नारोरे, बलिपट्टम तथा तेलीचेरी Cannanore, Balipattam and Tellicherry	30-10-1960	10,500		30-3-1965
पुनालूर और कोटायम Punalor and Kottayam	30-7-1961	9,000		{ 30-1-1-1964 30-7-1964

1	2	3	4	5
पेरुम्बवूर कोठा कुलंगारा (दक्षिणी) सहित Perumbavoor includes Kotha-Kulangara (South)	17-12-1961	2,600		24-3-1966
अदिकनल्लूर Adichanallore	20-10-1963	4,000		20-2-1966
पालघाट कोडुम्बा सहित Palghat includes Kodumba	29-12-1963	3,900		9-11-1964
आदूर (सुरानद सहित) चथनूर, कुंडारा कल्लुवथुकल, कोटाराकारा, पुयापल्ली, थ्रिकोविलवट्टम और वेटिकावाला। Adoor (includes Sooranad) Chathanoor, Kundara, Kalluvathukal, Kottarakara, Pooyapally, Thrikovilvattam and Vettikkavala	1-3-1964	35,100		20-2-1966
चालाकुडी, कालेट्टुमाकारा और करुवनूर Chalakudy, Kallettumkara and Karuvannur	17-1-1965	4,400		27-3-1966
कोराटी (कोठाकुलंगारा सहित) Koratty includes Kothakulangara	25-4-1965	3,200		16-12-1967
शोरानूर और उटपल्लम Shoranur and Ottapalayam	26-9-1965	1,950		26-12-1965
मवूर Mavoor	21-8-1966	3,300		20-11-1966
नवाकुलम Navaikulam	4-9-1966	1,400		4-12-1966
वेलियम और उमामनूर Veliyam and Ummannur	25-6-1967	2,000		24-9-1967
पालीकल, पझायकुनुमेल तथा मदावूर Pallikkal, Pazhayakunnumel and Madvur	10-12-1967	2,750		10-3-1968
बलारामपुरम मयनागपल्ली, कुलासेकरपुरम और थोडीयूर Balaramapuram, Mynagapally, Kulasekharapuram and Thodiyoor	24-3-1968	7,400		23-6-1968
नेदुमानगड Nedumangad	26-1-1969	1,000		27-4-1969
महे Mahe	16-8-1970	700		15-11-1970
एडमलक्कल Edammulakka)	21-2-1971	7,900		23-5-1971
कायामकुलम Kayamkulam	30-10-1971			29-1-1972
चेमनाद Chemmanad	14-5-1972	1,700		18-8-1972
मिलिया Milila	23-7-1972	1,500		22-10-1972
शेरथाला Sherthala	23-12-1973	700		March, 1974
किल्लानूर Killanoor	13-10-1974	250		Jan., 1975
रोजगार के नये क्षेत्र New Sectors of employment	29-3-1975		16,000	
पंगापारा (चेट्टिविलकम), किदानगूर, चानगनाचेरी, नेटिसरी, ओल्लुकारा Wadakkancherry, Mullurkara, Pattambi & Mayanad	March, 1975		3,250	June, 1975
मध्य प्रदेश MADHYA PRADESH				
इन्दौर, ग्वालियर, उज्जैन तथा रतलाम Indore, Gwalior, Ujjain and Ratlam	23-1-1955	78,000		26-1-1959 15-2-1959
बुरहानपुर Burhanpur	2-9-1956	4,000		15-2-1959

1	2	3	4	5
जबलपुर				
Jabalpur	29-9-1957	3,700		26-1-1959
भोपाल, नगदा तथा गोविन्दपुरा				
Bhopal, Nagda and Govindpura	27-9-1959	15,300		27-12-1959
राजनंदगांव				
Rajnandgaon	25-9-1960	5,200		25-12-1960
मन्वसौर तथा देवास				
Mandsaur and Dewas	27-8-1961	4,400		26-11-1961
बनमोरे				
Banmore	29-10-1961	600		28-1-1962
सतना				
Satna	3-12-1961	5,200		4-3-1962
रायगढ़ तथा रायपुर				
Raigarh and Raipur	28-1-1962	3,000		29-4-1962
कुम्हारी				
Kumahari	21-3-1971	1,500		20-6-1971
अम्लाई				
Amlai	25-4-1971	3,400		25-7-1971
खन्डवा तथा इटारसी				
Khandwa and Itarsi	16-5-1971	3,000		15-8-1971
निघाड़				
Niwar	26-11-1972	700		25-2-1973
किमोर, कोरबा, कतनी तथा नन्दिनी रोड				
Kymor, Korba, Katni & Nandini Road	April, 1975		6,400	July, 1975
महाराष्ट्र				
MAHARASHTRA				
बम्बई-बसीन सहित				
Bombay includes Basseln	(3-10-1954 12-11-1961)	8,30,000		24-1-1962 11-2-1962
नागपुर				
Nagpur	11-7-1954	25,000		22-12-1960
अकोला तथा हिंगनघाट				
Akola and Hinganghat	27-5-1956	9,450		1-5-1961
शोलापुर				
Sholapur	17-11-1963	18,200		16-2-1964
पूना और इसके निकटवर्ती क्षेत्र				
Poona including its adjoining areas	15-8-1965	73,850		14-11-1965
नन्देड				
Nanded	20-3-1966	5,700		19-6-1966
कोल्हापुर				
Kolhapur	27-3-1966	7,600		26-6-1966
सांगली				
Sangli	30-4-1967	3,950		30-7-1967
औरंगाबाद				
Aurangabad	30-3-1969	2,550		12-9-1969
अमलनेर तथा पुलगांव				
Amalner and Pulgaon	29-3-1970	6,300		29-6-1970
जलगांव				
Jalgaon	18-10-1970	2,600		17-1-1971
नासिक				
Nasik	31-10-1971	5,600		30-1-1972
इचालकरंजी				
Ichalkaranji	30-1-1972	3,500		30-4-1972
बलारपुर				
Ballarpur	27-2-1972	800		28-5-1972

1	2	3	4	5
धुलिया Dhulia	26-3-1972	5,300		25-6-1972
बरसी तथा मिराज Barsi and Miraj	26-6-1972	4,100		24-9-1972
चालीसगांव Chalisgaon	28-1-1973	2,500		27-4-1973
सतारा Satara	Nov., 1974		3,100	Feb., 1975
पानाजी, बिचोलिम, एक्सलेडम, मारगाओ, मारमागोआ (वासकोडे- गामा) शोलापुर के उपनगर, लोनावाला, तालेगांव, आचलपुर, खोपोली, चेकलथाना, तथा माधव नगर Panaji, Bicholim, Xeldom, Margao, Marmagao (Vascode-gama) Sholapur Suburbs, Lonawala, Talegaon, Achalpur, Khopoli, Checkalthana and Madhav Nagar	March, 1975		14,500	June, 1975
कर्लोस्करवादी, ओगलवादी, वालचंद नगर तथा इन्डस्ट्रियल एस्टेट कोल्हापुर Kerloskarwadi, Ogalwadi, Walchand Nagar and Industrial Estate Kolhapur	June, 1975		7,000	Sept., 1975
रोजगार के नये सेक्टर (नागपुर तथा पूना) New Sectors of employment (Nagpur & Poona)	1-7-1975		27,000	
रोजगार के नये सेक्टर बम्बई महानगर New Sectors of employment (Greater Bombay)	1-10-1975		1,75,000	
उड़ीसा ORISSA				
कटक, बारंग, चौदवार, ब्रजराजनगर तथा राजगंगपुर Cuttack, Barang, Choudwar, Brajrajnagar & Rajgangpur	31-1-1960	34,300		1-5-1960
नारनगढ़ (तापंग) Narangarh [Tapang]	22-7-1952	400		21-10-1962
बारबिल Barbil	10-5-1964	1,100		9-8-1964
भुवनेश्वर Bhubaneswar	17-10-1965	1,500		16-1-1966
झारसुगुडा Jharsuguda	1-10-1967	4,000		31-12-1967
कन्सबाहल Kansabahal	24-3-1968	1,500		23-6-1968
जेकपुर Jaykaypur	6-9-1970	3,500		6-12-1970
बरहामपुर Berhampur	25-11-1972	1,600		25-2-1973
गुंजम Ganjam	18-2-1973	600		20-5-1973
बारदोल Bardol	29-4-1973	1,200		29-7-1973
हीराकुड Hirakud	17-3-1974	2,500		16-6-1974
रूरकेला, लटकटा, बेलपासहार, जगतपुर तथा संबलपुर Rourkela, Latkata, Belpashar, Jagatpur and Sambalpur	Dec., 1975		7,650	Mar, 1976
पंजाब तथा हिमाचल प्रदेश PUNJAB & HIMACHAL PRADESH				
अमृतसर (वर्का सहित) छहर्ता, बटाला, जलन्धर और लुधियाना Amritsar (includes Verka), Chheharta, Batala, Jullundur & Ludhiana	17-5-1953	67,150		1-11-1958
खासा Khasa	10-5-1959	500		9-8-1959
धारीवाल Dhariwal	29-11-1952	4,000		28-2-1960

1	2	3	4	5
खरड़				
Kharar	17-2-1961	1,700		17-12-1961
फुगवाड़ा चाचक सहित, कपूरथला तथा गोबिन्दगढ़ Phagwara including Chachaq, Kapurthala and Gobindgarh.	28-1-1962	15,700		29-4-1962
पटियाला तथा राजपुरा Patiala and Rajpura	30-9-1962	8,500		30-12-1962
चंडीगढ़ Chandigarh	7-10-1962	7,200		6-1-1963
अबोहर तथा बहादुरगढ़ Abohar and Bahadurgarh	21-2-1968	4,600		23-5-1965
गोराया, खन्ना, फिल्लौर तथा सिरहन्द Goraya, Khanna, Phillaur and Sirhind	27-2-1966	4,800		29-5-1966
नाभा, मलेरकोटला तथा मलौट मंडी Nabha, Malerkotla and Malaut Mandi	16-6-1968	2,050		29-7-1969
सोलन Solan	April, 1975		800	July, 1975
पंजाब के रोजगार के नये सेक्टर New Sectors of employment of Punjab	29-3-1975		20,000	
चंडीगढ़ के रोजगार के नये सेक्टर New Sectors of employment of Chandigarh	1-7-1975		1,600	
दीनानगर, जगतजीत नगर, मोगा तथा मोहाली Dina Nagar, Jagatjit Nagar, Moga and Mohali	Oct., 1975		3,500	Jan., 1976
राजस्थान				
RAJASTHAN				
जयपुर, जोधपुर, बीकानेर, पालीमारवाड़, भीलवाड़ा तथा लाखेरी Jaipur, Jodhpur, Bikaner, Palimarwar, Bhilwara and Lakheri	2-12-1956	42,000		{ 2-10-1958 9-3-1962
बियावर				
Beawar	27-10-1957	5,500		2-10-1958
सवाई माधोपुर Swai Madhopur	2-3-1958	2,300		2-10-1958
धोलपुर तथा श्रीगंगानगर Dholpur and Sriganganagar	29-3-1959	3,900		28-6-1959
उदयपुर तथा भरतपुर Udaipur and Bharatpur	14-8-1960	9,400		13-11-1960
अजमेर				
Ajmer	30-5-1965	1,500		29-8-1965
कोटा				
Kotah	15-8-1965	11,000		14-11-1965
किशनगढ़				
Kishangarh	27-11-1966	2,700		26-2-1967
भवानी मंडी				
Bhawani Mandi	14-4-1968	2,100		14-7-1968
अलवर				
Alwar	29-9-1973	1,400		Dec., 1973
चित्तौड़गढ़				
Chittorgarh	March, 1975		1,100	June, 1975
तमिलनाडु				
TAMIL NADU				
कोयम्बटूर तथा उसके उपनगर पी एन पलायम तथा पीलामेडु Coimbatore, its suburbs, P. N. Palyam and Peelamedu	23-1-1955 28-2-1960	75,000		13-4-1969
मद्रास शहर तथा उसके उपनगर तथा रेड हिल्स Madras City, its suburbs and Red Hills	20-10-1955	1,50,000		27-11-1967

1	2	3	4	5
मदुराय तथा इसके उपांत Madurai and its out skirts	28-10-1956	34,000		3-6-1969
टटीकोरिन तथा वी.एस. पुरम Tuticorin and V.S. Puram	28-10-1956	11,300		13-7-1970
सलेम, उदुमलपेट तथा तीरुपुर तथा उसके उपनगर Salem, Udumalpet Tirupur and its out-skirts	30-11-1958	19,800		2-9-1961
मेट्टूर Mettur	30-11-1958	8,000		28-5-1967
सिवकासी तथा राजापलायम Sivakasi and Rajapalayam	28-2-1960	15,000		15-8-1961
डालमियापुरम Dalmiapuram	27-3-1960	2,300		15-8-1961
त्रिची, रानीपेट तथा कावेरीनगर Trichy, Ranipat and Cauvery Nagar	29-1-1961	8,400		15-8-1961
डिंडीगुल Dindigul	1-10-1961	2,000		31-12-1961
तिरुनेलवेली और उसके उपनगर तथा के.वाई.एम. इन्डस्ट्रीज Tirunelveli, its out skirts and K.Y.M. Industries	26-11-1961 29-8-1971	8,000		25-2-1962
नामानासमुद्रम तथा पुदुकोट्टाई Namanasamudram and Pudukkottai	1-7-1962	1,700		30-9-1962
कुम्बाकोनम तथा परुमंडी गांव Kumbakonam and Perumandi village	1-4-1962 29-8-1971	2,200		1-7-1962
ईरोड तथा पोलाची Erode and Pollachi	30-12-1962	7,300		31-3-1963
वनियामबाडी कालन्दरा सहित Voniyaambadi includes Kalandra	24-2-1963	1,600		28-5-196
गुदियाथम और विरुधनगर Gudiyatham and Virudhunagar	31-3-1963	3,500		30-6-1963
मेट्टुपलायम Mettuppalayam	30-6-1963	3,000		29-6-1963
शेंकोट्टाह तथा नगरकोइल Shencottah and Nagercoil	1-12-1963	1,700		1-3-1964
वेल्लोरे तथा नागापट्टनम Vellore and Nagapattanam	26-1-1964	4,500		26-4-1964
पोंडीचेरी Pondicherry	2-10-1960	12,500		31-12-1966
कोविलपट्टी तथा उठुकुली Kovilpatti and Uthukuli	31-3-1968	7,100		30-6-1968
अरनी Arni	26-1-1969	1,000		27-4-1969
वडालूर तथा नेलिकुप्पम Vadalur and Neelikupam	1-11-1970	3,000		31-1-1971
पलानी तथा उसिलामपट्टी Pallani and Usilampatti	27-6-1971	3,200		26-9-1971
सोमानूर अरासुर सहित Somanur includes Arasur	30-1-1972	1,000		30-4-1972
करूर, अत्तूर तथा मैलूर Karur, Attur & Melur	Feb., 1975		3,200	May, 1975
मद्रास उपनगर Madras-Suburbs	March, 1975		8,500	June, 1975
कोमारा, पलायम, सलेम के उपांत, थेजावूर, थ्रिसेनगोदु तथा थिरु- मंगलम्। Komara, Palayam, Salem suburbs, Thenjavur, Thrichengodu and Thirumangalam	Dec., 1975		6,200	March, 1976
उत्तर प्रदेश				
UTTAR PRADESH				
कानपुर तथा कल्याणपुर Kanpur and Kalyanpur	24-2-1952 31-3-1957	1,60,000		14-11-1959
आगरा, सहारनपुर तथा लखनऊ Agra, Saharanpur and Lucknow	15-1-1956	50,000		14-11-1959
इलाहाबाद, नैनी, वाराणसी तथा रामपुर Allahabad, Naini, Varanasi and Rampur	31-3-1957	38,500		1 -11-1959

1	2	3	4	5
अलीगढ़, बरेली, इज्जतनगर सहित हाथरस तथा शिकोहाबाद Aligarh, Bareilly, including Izzatnagar, Hathras and Shikohabad	30-3-1958	29,700		14-11-1959
गाजियाबाद, मोदीनगर, साहजानवा (गोरखपुर) तथा मिरजापुर Ghaziabad, Modinagar, Sahajanwa (Gorakhpur) and Mirzapur	29-3-1959	49,700		14-11-1959
फिरोजाबाद, मेरठ तथा मुरादाबाद Ferozabad, Meerut and Moradabad	26-3-1961	14,000		25-6-1961
झांसी तथा रूड़की Jhansi and Roorkee	11-2-1962	2,600		13-5-1962
देहरादून, हापुड़, हरनगांव तथा मथुरा Dehradun, Hapur, Harangaon and Mathura	31-3-1963	7,400		30-6-1963
चूरक, गाजीपुर तथा सीतापुर Churk, Ghazipur and Sitapur	1-3-1964	6,200		31-5-1964
बालावाली, पिपरी, ससनी तथा उज्जानी Balawali, Pipri, Sasni and Ujhani	28-3-1965	10,200		27-8-1965
साहपुरी Sahupuri	28-5-1967	2,000		27-8-1967
उन्नाव मगरवाड़ा सहित Unnao includes Magarwara	29-10-1967	3,300		28-1-1968
हरिद्वार तथा बमरौली Hardwar and Bamrauli	19-7-1970	11,000		26-1-1973
नैनी के उपनगर Suburb of Naini	19-7-1970	1,000		..
गोरखपुर Gorakhpur	29-11-1970	5,200		26-1-1973
इटवा Etawah	21-5-1972	25,000		20-8-1972
इतमादपुर तथा माखनपुर Etmadpur & Makhanpur	31-3-1974	1,700		June, 1974
बहजोई तथा भादोई Bahjoi & Bhadoi	28-12-1974		2,050	28-3-1979
नैनी के उपनगर Naini suburbs	Jan., 1975		1,000	April, 1975
नजीबाबाद Najibabad	Feb., 1975		1,200	May, 1975
ऋषिकेश, हलद्वानी तथा सरदार नगर Rishikesh, Haldwani and Sardar Nagar	March, 1975		5,800	June, 1975
मुझफरनगर Muzaffar Nagar	April, 1975		2,300	July, 1975
डल्ला, फैजाबाद सहित साहवाल, माऊ, खामरिया तथा ओबेरा Dalla, Faizabad includes Sahwal, Mau, Khamaria & Obara	Oct., 1975		9,250	Jan., 1976
पश्चिमी बंगाल WEST BENGAL				
कलकत्ता शहर तथा हावड़ा के पास के क्षेत्र Calcutta City & Howrah inclusive adjoining areas	{ 14-8-1955 5-6-1960	3,76,500		1-2-1963 1-7-1964
24 परगना के जिले District of 24 Parganas	29-3-1964	3,20,000		1-7-1964
हुगली (जिला) Hooghly (District)	31-10-1965	1,24,000		1-4-1966
कल्याणी Kalyani	2-4-1972	4,500		2-7-1972
रोजगार के नये सेक्टर New Sectors of employment	29-3-1975		23,900	
रानाघाट तथा हरिनघाटा Ranaghat & Haringhata	April, 1975		1,700	July, 1975
बाटानगर Battanagar	Oct., 1975		10,000	Jan., 1976
महायोग GRAND TOTAL		43,11,300	4,38,050	

कर्मचारी राज्य बीमा निगम
EMPLOYEES' STATE INSURANCE CORPORATION

वर्ष 1971-72 के लिए आय तथा व्यय का व्यौरा
DETAILS OF INCOME AND EXPENDITURE FOR THE YEAR OF 1971-72

परिशिष्ट—3

लेखा का शीर्षक Head of Accounts	मुख्यालय Head quarters	आन्ध्र प्रदेश Andhra Pradesh	असम Assam	बिहार Bihar	दिल्ली Delhi	गुजरात Gujarat	हरियाणा Haryana	कर्नाटक Karna- taka	केरल Kerala
1	2	3	4	5	6	7	8	9	10
(माँकड़े लाख कार्यों में) (Figures in laes of Rupees)									
आय RECEIPTS									
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
नियोक्ताओं तथा कर्मचारियों का अंशदान contributions—Employers and									
1 Employers' Shares	..	138.56	17.97	103.63	133.58	496.83	188.03	302.44	144.42
विविध									
2 Miscellaneous	54.28	14.71	0.11	3.32	10.32	19.90	9.01	4.72	11.70
कुल राजस्व आय									
3 Total Revenue Receipts	54.28	153.27	18.08	106.95	133.90	516.83	197.04	308.16	156.12
व्यय EXPENDITURE									
1. हितलाभ									
1. BENEFITS:									
अ. चिकित्सा हितलाभ									
4 A. Medical Benefits	..	59.40	5.68	26.73	82.00	167.68	44.05	98.40	69.60
ब. नकद हितलाभ									
B. Cash Benefits :									
बीमारी हितलाभ									
5 Sickness Benefit	..	36.11	3.87	17.91	19.75	72.12	11.26	63.52	46.5
विस्तारित बीमारी हितलाभ									
6 Extended Sickness Benefit	..	2.19	0.37	1.78	4.97	6.73	0.99	2.77	3.90
मातृत्व हितलाभ									
7 Maternity Benfit.	..	2.58	0.04	0.54	0.50	3.12	0.65	7.37	16.90
अस्थायी अपंगता हितलाभ									
8 Temporary Disablement Benefit	..	4.48	0.55	1.90	4.81	20.08	3.24	6.33	5.52
स्थायी अपंगता हितलाभ									
9 Permanent Disablement Benefits (—)	74.53	10.36	1.86	11.74	17.43	37.66	7.57	8.76	8.42
आश्रितजन हितलाभ									
10 Dependants Benefit	(—) 24.70	0.56	0.19	0.10	1.65	12.10	2.73	3.36	2.32
अन्त्येष्टि हितलाभ									
11 Funeral Benefit	..	0.33	0.02	0.16	0.13	0.81	0.10	0.41	0.34
कुल ब-नकद हितलाभ									
12 Total B-Cash Benefits	(—) 99.23	56.61	6.90	24.31	49.24	152.62	26.54	92.52	83.9
ग—अन्य हितलाभ									
13 C-Other Benefits	..	0.19	0.04	0.06	0.24	0.54	0.08	0.46	0.46
कुल हितलाभ									
14 Total Benefits	(—) 99.23	116.20	12.62	50.92	131.48	320.84	70.67	191.38	153.98
2. प्रशासन व्यय									
15 2. Administration Expenses	108.35	15.55	1.87	7.77	11.39	28.44	6.80	17.04	18.47
3. चिकित्सालयों, औपचारिकों व पूंजीगत निर्माण आरक्षण निधि									
3. Hospitals, Dispensaries and Capital Construction Reserve									
16 Fund	467.89	..	..	..	..	..	..	..	..
राजस्व लेखा पर कुल व्यय									
Total Expenditure on Revenue									
17 Account	477.01	131.75	14.49	158.69	143.87	349.28	77.47	208.42	172.45

परिशिष्ट—3

Appendix—III

मध्य प्रदेश Madhya Pradesh	महाराष्ट्र Maharashtra	उड़ीसा Orissa	पंजाब Punjab	राजस्थान Rajasthan	तमिलनाडू Tamil Nadu	उत्तर प्रदेश Uttar Pradesh	पश्चिमी बंगाल West Bengal	योग Total
11	12	13	14	15	16	17	18	19

(आकड़े लाख रुपये में)
(Figures in lacs of Rupees)

आय
RECEIPTS

	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
1	117.16	1484.38	41.98	99.57	81.52	468.26	269.74	1086.79	5104.86
2	11.33	3.66	0.75	5.14	2.87	23.62	8.96	79.36	253.76
3	128.49	1488.04	42.73	104.71	84.39	491.88	278.70	1166.15	5358.62

व्यय
EXPENDITURE

4	50.42	391.82	12.14	41.33	30.34	187.44	79.40	356.74	1703.17
5	47.50	361.79	7.41	6.21	11.83	174.15	54.91	434.78	1369.64
6	4.48	35.54	0.31	0.49	1.34	9.68	5.89	23.12	104.55
7	1.04	15.88	0.43	0.26	0.97	7.62	0.35	6.29	64.54
8	10.71	38.49	1.87	2.24	2.94	18.43	13.46	167.22	302.27
9	6.66	100.54	2.12	12.30	4.62	17.76	11.54	39.56	214.37
10	1.98	24.68	0.85	2.85	0.35	3.01	4.33	5.61	41.99
11	0.38	1.58	0.08	0.09	0.16	0.88	0.60	1.94	8.01
12	72.75	578.50	13.07	24.44	22.21	231.53	91.10	678.52	2105.37
13	0.12	1.76	0.06	0.11	0.09	0.62	0.21	2.54	7.58
14	123.29	972.08	25.27	65.88	52.64	419.59	170.71	1037.80	3816.12
15	10.72	80.08	4.55	7.86	6.80	38.03	26.67	87.00	477.39
16	..	..	..	..	..	..	..	..	467.89
17	134.01	1052.16	29.82	73.74	59.44	457.62	197.38	1124.80	4761.40

परिशिष्ट 5

APPENDIX-III

लेखा के शीर्ष Head of Accounts	मुख्यालय Headquarters	आन्ध्र प्रदेश Andhra Pradesh	असम Assam	बिहार Biher	दिल्ली Delhi	गुजरात Gujarat	हरियाणा Haryana	कर्नाटक Karnataka	केरल Kerala	
1	2	3	4	5	6	7	8	9	10	
(आंकड़े लाख रुपये में) (Figures in lacs of Rupees)										
आय RECEIPTS										
नियोक्ताओं तथा कर्मचारियों का अंशदान Contributions Employer's and Employees' Shares			167.00	18.86	113.29	146.66	569.24	140.02	341.29	168.85
विविध Miscellaneous		103.90	24.91	0.06	5.21	0.22	24.45	9.14	6.24	19.56
कुल राजस्व आय Total Revenue Receipts		103.93	191.91	18.92	118.30	146.88	593.69	149.16	347.53	188.42
व्यय EXPENDITURE										
1. हितलाभ 1. BENEFITS :										
अ—चिकित्सा हितलाभ A. Medical Benefit										
			87.45	5.67	46.50	86.08	159.95	56.08	111.79	75.68
ब—नकद हितलाभ B. Cash Benefits										
बीमारी हितलाभ Sickness Benefit			32.11	4.19	16.34	19.13	61.83	11.43	74.83	49.56
विस्तारित बीमारी हितलाभ Extended Sickness Benefit			2.59	0.38	2.23	4.85	7.04	1.18	3.28	3.80
मातृत्व हितलाभ Maternity Benefit			3.46	0.08	0.51	0.58	3.17	0.77	8.52	19.51
अस्थायी अपंगता हितलाभ Temporary Disablement Bene- fit			4.34	0.65	2.32	6.07	19.80	3.50	8.52	7.36
स्थायी अपंगता हितलाभ Permanent Disablement Benc- fit			6.32	1.28	3.33	23.36	37.16	6.11	14.08	10.56
आश्रितजन हितलाभ Dependants' Benefit			0.94		1.97	1.63	1.63	2.32	2.78	3.59
अन्त्येष्टि हितलाभ Funeral Benefit			0.33	0.04	0.18	0.14	0.94	0.11	0.44	0.31
कुल ब-नकद हितलाभ Total B-Cash Benefits			50.09	6.62	26.88	55.76	131.57	25.42	112.45	94.6
स—अन्य हितलाभ C—Other Benefits										
		2.00	0.16	0.04	0.03	0.26	0.50	0.07	0.52	0.47
कुल हितलाभ Total Benefits		2.00	137.70	12.33	73.41	142.10	328.02	81.57	224.76	170.84
2. प्रशासन व्यय Administration Expenses										
		36.78	15.82	2.20	8.76	12.58	32.34	7.65	18.88	19.82
3. चिकित्सालयों, औषधालयों व पूँजीगत निर्माण आरक्षित निधि Hospitals, Dispensaries and Capital Construction Res- erve Fund										
		569.93								
राजस्व लेखा पर कुल व्यय Total Expenditure on Revenue Account		608.71	153.52	14.53	82.17	154.68	360.36	89.22	243.64	190.66

मध्य प्रदेश Madhya Pradesh	महाराष्ट्र Maharashtra	उड़ीसा Orissa	पंजाब Punjab	राजस्थान Rajasthan	तमिलनाडु Tamil Nadu	उत्तरप्रदेश Uttar Pradesh	पश्चिम बंगाल West Bengal	योग Total
11	12	13	14	15	16	17	18	19
<p style="text-align: right;">घाकडे लाख रुपयों में (Figures in Lacs of Rupees)</p> <p style="text-align: center;">आय RECEIPTS</p>								
161.83	1653.93	44.09	115.13	102.70	522.82	318.07	1294.11	5377.89
14.06	6.66	2.45	14.03	4.38	52.78	14.44	62.23	364.72
175.89	1660.59	46.54	129.16	107.08	575.60	332.51	1356.34	6242.61
<p style="text-align: center;">व्यय EXPENDITURE</p>								
60.26	481.68	15.16	54.06	33.17	214.68	120.50	373.42	2018.13
52.76	170.75	9.86	6.79	10.88	195.80	56.56	190.99	963.81
5.38	31.85	0.45	0.50	1.41	8.38	5.95	24.84	104.11
1.08	17.30	0.51	0.27	1.07	7.77	0.43	5.90	71.0
14.58	35.30	1.61	2.40	3.61	17.19	11.99	62.74	201.84
5.81	103.53	1.80	9.43	5.69	15.25	6.85	24.79	275.49
2.18	21.51	1.35	3.41	2.83	2.64	3.46	9.81	62.05
0.43	1.59	0.07	0.09	0.16	0.99	0.68	2.05	8.55
82.22	381.83	15.65	22.89	25.65	248.02	85.92	321.21	1686.87
0.16	1.56	0.06	0.10	0.09	0.53	0.20	1.74	8.49
142.64	865.07	30.87	76.05	58.91	463.23	206.62	696.37	3713.49
12.06	87.11	4.37	8.37	7.61	41.22	29.12	95.65	440.34
..	..	..	..	..	..	..	..	569.93
154.70	952.18	35.24	85.42	66.52	504.45	235.74	792.02	4723.76

कर्नवारी राज्य बीमा निगम
EMPLOYEES' STATE INSURANCE CORPORATION
वर्ष 1973-74 के लिए आय तथा व्यय का विवरण
Details of Income and Expenditure for the year 1973-74

परिशिष्ट—5
APPENDIX—5

लेखा के गोपे Head of Accounts	मुख्यालय Headquarters	आन्ध्र प्रदेश Andhra Pradesh	असम Assam	बिहार Bihar	दिल्ली Delhi	गुजरात Gujarat	हरियाणा Haryana	कर्नाटक Karnatak	केरल Kerala	मध्य प्रदेश Madhya Pradesh
1	2	3	4	5	6	7	8	9	10	11
(आंकड़े लाख रुपयों में) (Figures in lacs of Rupees)										
नियोगार्थी तथा कर्मचारियों का योगदान Contributions — Employees' & Employers'										
1 Sums	..	205.20	21.04	104.51	153.55	570.94	150.70	382.24	198.50	207.63
विविध 2 Miscellaneous	250.13	20.33	0.09	4.35	0.32	24.13	7.34	6.37	25.58	11.66
कुल राजस्व आय Total Revenue Receipts	269.18	225.53	21.13	108.87	165.93	695.07	168.54	388.61	224.08	219.29
व्यय EXPENDITURE										
1. हितलाभ 1. BENEFITS :										
अ. चिकित्सा हितलाभ A. Medical Benefits	..	103.05	19.13	41.84	115.28	234.43	67.45	145.61	133.10	70.04
ब. नकद हितलाभ B. Cash Benefits :										
बीमारी हितलाभ 5 Sickness Benefits	..	41.22	4.39	20.62	18.52	69.07	12.25	83.62	65.80	53.90
विस्तारित बीमारी हितलाभ 6 Extended Sickness Benefits	..	2.99	0.33	1.80	4.53	8.43	1.29	3.41	4.04	5.51
मातृत्व हितलाभ 7 Maternity Benefits	..	3.86	0.16	0.73	0.94	3.65	0.93	9.39	23.14	1.23
अस्थायी अपंगता हितलाभ Temporary Disability Benefit	..	5.89	0.80	2.62	4.84	22.32	3.86	9.53	7.37	19.17
स्थायी अपंगता हितलाभ Permanent Disability Benefit	..	10.35	1.13	4.01	16.92	40.05	11.80	13.86	11.40	5.39
आश्रितजन हितलाभ 10 Dependents' Benefit	..	2.45	0.57	1.68	2.92	13.33	3.60	6.67	6.07	4.50
अन्त्येष्टि हितलाभ 11 Funeral Benefit	..	0.47	0.03	0.22	0.16	1.03	0.11	0.51	0.38	0.46
कुल ब—नकद हितलाभ Total B—Cash Benefits	..	67.23	7.41	31.68	48.83	157.89	33.84	127.29	118.20	90.16
स—अन्य हितलाभ 13 C—Other Benefits	3.00	0.19	0.08	0.07	0.23	0.47	0.11	0.51	0.47	0.08
कुल हितलाभ 14 Total Benefits	3.00	170.43	25.57	73.59	164.34	392.79	101.40	273.41	251.77	160.28
2. प्रशासन व्यय 2. Administration Expenses	274.43	17.71	2.42	9.93	1.31	34.88	9.62	23.35	22.36	14.78
3. चिकित्सालय औषधालय तथा पुंजीगत निर्माण आयोजन निधि 3. Hospitals, Dispensaries & Capital Construction	741.25	..	..	..	..	..	..	..	..	..
राजस्व लेखा पर कुल व्यय Total Expenditure on	1018.73	188.19	28.99	83.52	165.55	427.67	111.02	296.76	274.13	175.06

कर्मचारी राज्य बीमा निगम

परिशिष्ट—5

EMPLOYEES' STATE INSURANCE CORPORATION

APPENDIX—5

वर्ष 1973-74 के लिए आय तथा व्यय का व्यौरा

Details of Income and Expenditure for the year 1973-74

महाराष्ट्र Maharashtra	उड़ीसा Orissa	पंजाब Punjab	राजस्थान Rajasthan	तमिलनाडु Tamil Nadu	उत्तर प्रदेश Uttar Pradesh	पश्चिमी बंगाल West Bengal	योग Total
12	13	14	15	16	17	18	19
(आंकड़े लाख रुपये में) (Figures in lacs of Rupees)							
आय RECEIPTS							
1 1717.82	46.02	137.99	118.69	590.41	388.85	1339.20	6456.40
2 6.30	1.78	6.00	4.18	29.44	10.49	53.32	481.37
3 1724.12	47.80	143.99	122.87	619.85	399.34	1392.52	6937.77
व्यय EXPENDITURE							
4 560.16	16.56	64.24	46.88	263.66	110.63	478.29	2470.36
5 199.21	11.92	7.39	14.27	273.10	70.15	242.42	1187.85
6 32.42	0.56	0.52	1.81	8.34	6.91	28.47	111.36
7 18.71	0.70	0.38	1.20	7.24	0.43	7.82	80.52
8 37.10	1.80	2.75	3.73	18.98	18.99	69.73	229.48
9 123.82	2.30	10.55	3.34	10.48	9.01	29.54	303.95
10 28.95	0.65	2.76	1.60	6.71	6.40	23.57	112.73
11 441.69	10.02	20.10	20.20	1.00	0.67	2.16	9.28
12 441.90	18.02	24.45	26.15	325.85	112.56	403.71	2035.17
13 1.67	0.08	0.09	0.05	0.77	0.20	1.33	9.35
14 1003.73	34.66	88.78	73.08	590.28	223.39	883.33	4514.88
15 100.76	6.04	9.58	8.45	44.78	35.21	106.59	734.57
16 ..	..	..	..	..	..	..	741.25
17 1104.49	40.70	98.36	81.53	635.06	258.60	989.92	5990.70

कर्मचारी राज्य बीमा निगम
EMPLOYEES' STATE INSURANCE CORPORATION
वर्ष 1974-75 के आय तथा व्यय का व्योरा (परिमोदित प्राक्कलन)
Details of Income and Expenditure for the year 1974-75 (Revised Estimates)

लेखा के शीर्ष Head of Accounts	मुख्यालय Head- quarters	आन्ध्र प्रदेश Andhra Pradesh	असम Assam	बिहार Bihar	दिल्ली Delhi	गुजरात Gujarat	हरियाणा Haryana	कर्नाटक Karna- taka	केरल Kerala
1	2	3	4	5	6	7	8	9	10
(आंकड़े लाख रुपयों में) (Figures in Lacs of Rupees)									
आय RECEIPTS									
प्रदान—नियोक्ताओं तथा कर्मचारियों का अंश Contributions—Employers' and Employees' Shares . . . . .	..	204.63	23.23	90.60	170.00	628.00	165.00	386.00	206.00
विविध Miscellaneous	395.77	17.74	0.09	3.83	10.95	21.17	5.61	7.13	41.57
कुल राजस्व आय Total Revenue Receipts	395.77	222.37	23.32	94.43	180.95	649.17	170.61	393.13	247.57
व्यय EXPENDITURE									
हितलाभ I BENEFITS :									
अ. चिकित्सा हितलाभ A. Medical Benefits . . . . .	..	101.92	10.99	45.00	141.20	267.19	77.50	163.32	144.46
ब. नकद हितलाभ B. Cash Benefits									
बीमारी हितलाभ Sickness Benefits . . . . .	..	42.00	4.55	25.82	18.62	78.80	12.80	81.00	58.00
विस्तारित बीमारी हितलाभ Extended Sickness Benefit . . . . .	..	4.15	0.32	1.94	4.70	9.10	1.25	3.42	3.90
मातृत्व हितलाभ Maternity Benefit . . . . .	..	4.90	0.11	0.73	0.65	3.85	0.75	10.35	25.25
अस्थायी अपंगता हितलाभ Temporary Disablement Benefit . . . . .	..	6.15	0.70	2.85	4.76	22.12	4.30	10.30	7.75
स्थायी अपंगता हितलाभ Permanent Disablement Benefit . . . . .	..	9.91	0.86	4.31	21.52	43.31	13.53	16.19	10.68
आश्रितजन हितलाभ Dependents' Benefit . . . . .	..	4.14	0.35	1.35	3.05	10.09	2.75	6.68	4.72
अन्त्येष्टि हितलाभ Funeral Benefit . . . . .	..	0.36	0.04	0.27	0.16	1.00	0.10	0.55	0.36
योग ब—नकद हितलाभ Total B—Cash Benefits . . . . .	..	71.61	6.93	37.27	53.46	168.27	35.48	128.49	110.66
स. अन्य हितलाभ C. Other Benefits . . . . .	..	0.30	0.03	0.11	0.28	0.98	0.12	0.64	0.55
कुल हितलाभ Total Benefits . . . . .	..	173.83	17.95	82.38	194.94	436.44	113.10	292.45	225.67
2. प्रशासन व्यय (2) Administration Expenses	65.70	21.45	3.10	10.65	21.05	49.45	12.16	31.30	32.00
3. चिकित्सा तथा औषधालय (3) Hospital and Dispensaries	95.83	..	..	..	..	..	..	..	..
4. पूंजीगत निर्माण तथा आपातकालीन आरक्षित निधि (4) Capital Construction and Emergency Reserve Funds	838.00	..	..	..	..	..	..	..	..
राजस्व लेखा पर कुल व्यय Total Expenditure on Revenue Account	999.53	195.28	21.05	93.03	215.99	485.99	125.26	323.75	287.67

परिशिष्ट-6

(आंकड़े लाख रुपये में)

APPENDIX-VI

(Figures in Lacs of Rs.)

मध्य प्रदेश Madhya Pradesh	महाराष्ट्र Maharashtra	उड़ीसा Orissa	पंजाब तथा हिमाचल प्रदेश Punjab & Himachal Pradesh	राजस्थान Rajasthan	तमिल नाडु Tamil Nadu	उत्तर प्रदेश Uttar Pradesh	पश्चिम बंगाल West-Bengal	योग Total
11	12	13	14	15	16	17	18	19
प्राय RECEIPTS								
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
216.00	1853.00	55.00	149.00	133.00	614.00	375.00	1222.00	6560.46
14.54	5.56	1.92	5.93	3.95	109.79	9.38	36.01	690.94
230.54	1858.56	56.92	154.93	136.95	723.79	384.33	1323.01	7251.40
व्यय EXPENDITURE								
85.92	611.01	31.75	72.94	55.81	264.17	254.86	531.73	2859.82
65.00	196.00	15.60	9.25	16.25	223.00	85.15	230.00	1166.84
5.85	34.00	0.77	0.75	2.70	8.75	6.90	27.80	115.30
1.10	19.30	0.80	0.45	1.22	7.25	0.45	6.90	84.07
23.50	33.98	1.81	3.15	4.00	17.92	13.50	57.50	219.29
6.13	111.61	2.76	12.91	5.82	15.14	9.08	20.40	304.16
4.14	15.92	0.88	3.00	3.15	6.27	6.23	19.77	97.49
0.43	1.77	0.11	0.07	0.20	0.93	0.67	2.07	9.14
106.15	412.53	22.73	34.59	33.34	234.31	125.93	364.44	1997.29
0.14	1.72	0.11	0.02	0.20	0.66	0.33	1.63	8.01
192.21	1025.31	54.59	107.75	89.29	540.14	332.22	897.85	4365.12
18.15	140.70	8.70	12.90	11.60	64.11	43.15	142.00	702.17
..	..	..	..	..	..	..	..	95.83
..	..	..	..	..	..	..	..	838.00
210.36	1175.01	63.29	120.65	100.89	613.25	430.37	1030.85	6501.12

परिशिष्ट - 7
APPENDIX—VIIकर्मचारी राज्य बीमा निगम
EMPLOYEES' STATE INSURANCE CORPORATIONवर्ष 1975-76 के आय तथा व्यय का ह्यौरा (बजट आकलन)
Details of Income and Expenditure for the year 1975-76 (Budget Estimates)(आंकड़े लाख रुपयों में)
(Figures in Lacs of Rupees)

लेखा की शीर्ष Head of Accounts	मुख्यालय Head- quarters	आन्ध्र प्रदेश Andhra Pradesh	असम Assam	बिहार Bihar	दिल्ली Delhi	गुजरात Gujarat	हरियाणा Haryana	कर्नाटक Karnataka	केरल Kerala
1	2	3	4	5	6	7	8	9	10
आय RECEIPTS									
अंशदान—कर्मचारियों तथा नियोक्ताओं का अंशदान Contributions—Employers' and Employees' Shares	—	293.71	33.12	105.48	224.00	690.00	178.09	400.00	230.00
विविध Miscellaneous	410.56	18.19	0.11	4.08	10.99	21.43	5.87	7.21	38.82
कुल राजस्व आय Total Revenue Receipt	410.56	311.90	33.23	109.56	234.99	711.43	183.87	407.21	268.82
व्यय EXPENDITURE									
1. हितलाभ (1) BENEFITS									
अ. बीमारी हितलाभ A-Medical Benefits	—	142.25	16.47	60.11	221.05	297.35	35.93	179.73	151.21
ब. नकद हितलाभ B-Cash Benefits									
बीमारी हितलाभ Sickness Benefit	—	46.50	5.15	26.80	22.72	85.25	14.25	85.25	62.15
विस्तारित बीमारी हितलाभ Extended Sickness Benefit	—	6.65	0.40	2.00	5.70	10.00	1.45	3.75	4.30
मातृत्व हितलाभ Maternity Benefit	—	5.50	0.15	0.77	0.85	4.10	0.90	10.75	26.50
अस्थायी अपंगता हितलाभ Temporary Disablement Benefit	—	8.80	1.10	3.30	6.36	24.15	4.60	11.00	8.80
स्थायी अपंगता हितलाभ Permanent Disablement Benefit	—	15.99	1.88	5.01	24.95	47.90	13.87	16.19	14.50
आश्रितजन हितलाभ Dependants' Benefit	—	4.14	0.95	2.10	4.31	15.92	4.00	7.91	7.71
अन्तर्गृष्ट हितलाभ Funeral Benefit	—	0.54	0.06	0.31	0.22	1.15	0.12	0.60	0.40
कुल ब नकद हितलाभ Total B—Cash Benefits	—	88.12	9.69	40.29	65.11	188.47	39.19	136.45	124.36
स—अन्य हितलाभ C—Other Benefits	—	0.40	0.05	0.13	0.33	1.01	0.13	0.74	0.60
कुल हितलाभ Total Benefits	—	230.78	26.21	100.53	286.49	486.84	126.30	337.92	236.17
2. प्रशासन व्यय (2) Administration Expenses	53.70	23.30	3.45	13.89	22.55	50.14	14.54	36.87	33.98
3. चिकित्सालय तथा अश्रुधालय (3) Hospitals & Dispensaries	97.00	—	—	—	—	—	—	—	—
4. पूंजीगत निर्माण तथा आपत्कालीन आरक्षित निधि (4) Capital Construction and Emergency Reserve Funds	897.00	—	—	—	—	—	—	—	—
राजस्व लेखा पर कुल व्यय Total Expenditure on Revenue Account	1052.70	254.03	29.66	114.42	309.04	536.93	140.84	344.79	320.15

(आंकड़े लाख रुपयों में)

(Figures in lacs of Rupees)

मध्य प्रदेश	महाराष्ट्र	उड़ीसा	पंजाब तथा हिमाचल प्रदेश	राजस्थान	तमिलनाडु	उत्तर प्रदेश	पश्चिम बंगाल	योग
Madhya Pradesh	Maharashtra	Orissa	Punjab & Himachal Pradesh	Rajasthan	Tamil Nadu	Uttar Pradesh	West Bengal	Total
11	12	13	14	15	16	17	18	19
<p style="text-align: center;">आय RECEIPTS</p>								
230.00	2100.00	65.00	182.00	136.00	640.00	420.00	1371.00	7298.31
14.63	6.27	2.00	6.16	4.00	110.20	9.58	36.33	706.43
244.63	2106.27	67.00	188.16	140.00	750.20	429.58	1407.33	8004.74
<p style="text-align: center;">व्यय EXPENDITURE</p>								
100.92	744.99	41.53	98.76	61.84	286.96	272.42	575.58	3339.17
70.00	203.60	16.70	9.75	17.35	234.00	92.00	233.00	1225.47
6.15	36.65	0.85	0.85	2.75	9.00	7.60	29.00	127.10
1.30	20.50	0.90	0.50	1.30	7.50	0.50	7.50	89.52
25.65	38.86	2.10	3.92	4.20	18.80	20.00	64.25	245.89
6.18	152.92	3.08	14.64	5.82	15.15	10.61	33.30	381.99
5.16	35.79	0.88	8.39	3.15	7.48	7.55	26.55	141.99
0.50	2.30	0.12	0.11	0.22	1.04	0.75	2.23	10.67
114.94	490.62	24.63	38.16	34.79	292.97	139.01	395.83	2222.63
0.16	2.00	0.11	0.25	0.14	0.77	0.41	2.17	9.40
216.02	1237.61	66.27	137.17	96.77	580.70	411.84	973.58	5571.20
18.20	139.46	9.96	15.71	13.26	79.28	54.33	169.12	756.74
—	—	—	—	—	—	—	—	97.00
—	—	—	—	—	—	—	—	897.00
234.22	1377.07	76.23	152.88	110.03	659.98	466.17	1142.70	7321.94

परिशिष्ट - 8

APPENDIX VIII

कर्मचारी राज्य बीमा निगम

EMPLOYEES' STATE INSURANCE CORPORATION

वर्ष 1975-76 के लिये बजट प्राक्कलन

BUDGET ESTIMATES FOR THE YEAR 1975-76

'भत्ते तथा मानदेय' शीर्ष के अन्तर्गत सम्बन्धित राशि का विवरण

Details of the Amounts Provided under the Head "Allowances & Honoraria"

स्थापना का वर्ग	यात्रा-भत्ता	मंहगाई वेतन तथा भ्रान्तरिक सहायता सहित मंहगाई भत्ता	मकान किराया भत्ता	नगर प्रतिकर भत्ता	प्रीक्टिस बन्दी भत्ता	चिकित्सा व्यय की क्षतिपूर्ति	अन्य मद	योग
Category of Establishment	Travelling Allowance	Dearness Allowance including Dearness Pay and Interim Relief	House Rent Allowance	City Compen- satory Allowance	Non- Practising Allowance	Re-im- bursement of Medical Charges	Other Items	Total
1	2	3	4	5	6	7	8	9
अ-प्रधीक्षण								
A—SUPERINTENDENCE								
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
प्रधान अधिकारी Principal Officers	1,05,000	12,000	33,000	5,000	7,000	1,000	1,000	1,64,000
अन्य अधिकारी Other Officers	2,34,000	9,45,000	4,22,000	1,85,000	1,32,000	53,000	1,15,000	20,86,000
लिपिक वर्गीय अधिकारी Ministerial Establishment	4,83,000	30,96,000	25,65,000	6,73,000	—	14,37,000	2,97,000	85,51,000
चतुर्थ श्रेणी कर्मचारी Class IV Servants	56,000	5,28,000	4,50,000	1,32,000	—	3,47,000	68,000	15,81,000
ब-क्षेत्रीय कार्य								
B—FIELD WORK								
अधिकारी Officers	45,000	3,43,000	1,50,000	43,000	—	15,000	6,000	6,02,000
लिपिक वर्गीय स्थापना Ministerial Establishment	4,75,000	45,03,000	23,93,000	5,25,000	—	7,58,000	2,35,000	88,89,000
चतुर्थ श्रेणी कर्मचारी Class IV Servants	48,000	6,32,000	4,18,000	1,03,000	—	2,03,000	52,000	14,56,000
योग								
Total	14,46,000	1,00,59,000	64,31,000	16,66,000	1,39,000	28,14,000	7,74,000	2,33,29,000

कर्मचारी राज्य बीमा निगम का वर्ष 1975-76 का निष्पादन बजट

PERFORMANCE BUDGET OF THE EMPLOYEES' STATE INSURANCE CORPORATION FOR THE YEAR 1975-76

(1) प्रस्ताव

(i) INTRODUCTORY

कर्मचारी राज्य बीमा निगम एक स्वायत्त संगठन है। यह कर्मचारी राज्य बीमा निगम अधिनियम 1948 के अन्तर्गत स्थापित हुई थी। इस समय यह हमेशा चलने वाले कारखानों पर जिनमें विद्युत शक्ति का प्रयोग होता है तथा 20 या अधिक व्यक्ति वेतन पर काम करते हैं लागू होता है। इसका उद्देश्य बीमाकृत व्यक्तियों तथा उनके परिवारों को मुसीबतों के समय मदद करने का है।

The Employees' State Insurance Corporation is an autonomous Organisation. It was set up under the Employees' State Insurance Corporation Act, 1948. It applies at present to perennial factories using power and employing 20 or more persons. It aims at helping the insured workers and their families in times of distress.

निगम बीमाकृत व्यक्तियों तथा उनके परिवारों को नीचे लिखे लाभ का प्रबन्ध करता है :—

The Corporation provides the following benefits to the Insured Persons and their families:—

1. चिकित्सा हितलाभ :—वस्तु रूप में, कर्मचारी राज्य बीमा चिकित्सालयों तथा औषधालयों के द्वारा

1. MEDICAL BENEFIT in kind through the E.S.I. Hospitals and Dispensaries.

2. नकद हितलाभ :—

2. CASH BENEFITS:—

- (1) बीमारी हितलाभ—जब एक बीमाकृत व्यक्ति बीमार पड़ता है;
(i) Sickness Benefit—when an Insured Person falls sick;
- (2) बीमाकृत महिला कर्मचारी की प्रसूति हितलाभ;
(ii) Maternity Benefit to female insured workers;
- (3) जिस बीमाकृत व्यक्तियों को काम करते समय चोट लग जाती है उनको अस्थायी/स्थायी अपंगता हितलाभ;
(iii) Temporary/Permanent Disablement Benefits to Insured Persons who meet with accidents during the course of employment;
- (4) रोजगार चोट के कारण मृत्यु हो जाने पर बीमाकृत व्यक्तियों के परिवारों को आश्रित हितलाभ।
(iv) Dependants' Benefit to the families of Insured Persons who die as a result of employment injury;
- (5) मृत बीमाकृत व्यक्ति के परिवार के सदस्यों या नजदीक के रिश्तेदारों को दाह संस्कार के लिये अन्त्येष्टि हितलाभ।
(v) Funeral Benefit to the family members or the nearest relations of the deceased insured worker to perform his funeral rites.

इस योजना के अन्तर्गत चिकित्सा देखभाल का प्रबन्ध राज्य सरकारों को सौंपा गया है परन्तु उनके द्वारा इस मद पर किया गया व्यय निगम तथा राज्य सरकारों के बीच 7:1 के अनुपात में बांटा जाता है। दिल्ली के संघ शासित क्षेत्र में चिकित्सा देख-रेख का प्रबन्ध सीधे निगम द्वारा होता है।

The administration of Medical Care under the Scheme is entrusted to the State Governments but the expenditure incurred by them on this account is shared between the Corporation and the State Governments in the ratio of 7:1. In the Union Territory of Delhi, medical care is directly administered by the Corporation.

निगम की वर्ष 1974-75 की वित्तीय आवश्यकताएं नीचे दी गई हैं :—

The Financial requirements of the Corporation for the year 1974-75 are given below:—

अ. कार्यक्रम/कार्यकल्प वर्गीकरण A. PROGRAMME/ACTIVITY CLASSIFICATION	वित्तीय आवश्यकताएं FINANCIAL REQUIREMENTS		(रुपये लाखों में) (Rupees in Lakhs)	
	वास्तविक आंकड़े 1973-74 Actual Estimates 1973-74	बजट प्राक्कलन 1974-75 Budget Estimates 1974-75	परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	बजट प्राक्कलन 1975-76 Budget Estimates 1975-76
1	2	3	4	5
1. निदेशन तथा अधीक्षण 1. Direction and Superintendence	498.58	636.37	702.17	756.740
2. चिकित्सा हितलाभ 2. Medical Benefits	2470.36	2988.23	2859.82	3339.17
3. नकद हितलाभ 3. Cash Benefits	2035.16	2139.53	1997.29	2222.63
4. अन्य हितलाभ 4. Other Benefits	9.36	8.55	8.01	9.43
5. निर्माण 5. Constructions	218.18	488.00	514.00	746.6
6. मरम्मत व अनुरक्षण 6. Repairs and Maintenance	95.25	96.50	97.03	97.00
7. विनियोग/ऋण 7. Investments/Loans	1810.49	856.44	893.53	877.55
योग अ Total A	7137.38	7213.62	7071.90	8049.12

ब-उद्देश्यवार वर्गीकरण

B. Objectivewise Classification

राजस्व खाता
REVENUE ACCOUNT

1. वेतन (i) Salaries	390.53	496.04	518.59	574.35
2. यात्रा खर्च (ii) Travel Expenses	10.73	11.73	12.86	14.46
3. निवृत्ति हितलाभ (iii) Retirement Benefits	24.28	26.41	29.44	24.97
4. कार्यालय व्यय (iv) Office Expenses	29.16	37.24	39.07	43.38

1	2	3	4	5
5. लेखन सामग्री तथा फार्म (v) Stationery and Forms	13.66	27.35	50.37	50.54
6. प्रशदान टिकट (vi) Contribution Stamps	5.55	4.50	14.50	10.00
7. फर्नीचर तथा कार्यालय उपकरण (vii) Furniture and Office equipment	2.50	4.30	5.23	5.16
8. किराया महसूल तथा कर (viii) Rents, Rates and Taxes	18.08	22.95	25.54	27.11
9. बीमा व्यायालय तथा विधि खर्च (ix) Insurance, Courts and Legal charges	2.92	4.45	4.82	4.85
10. हितलाधिकारियों की चिकित्सा देखभाल के लिये राज्य सरकारों को प्रदायगी (x) Payments to State Governments for providing medical care to beneficiaries	2470.36	2988.23	2859.82	3339.17
11. अन्य हितलाभों सहित नकद लाभ का सुगतान (xi) Payments of Cash benefits including other benefits	2044.52	2148.03	2005.30	2232.03
12. मरम्मत व अनुरक्षण (xii) Repairs and Maintenance	24.84	25.50	24.83	25.00
13. मूल्यह्रास (xiii) Depreciations	70.41	71.00	71.00	72.00
14. पूंजीगत निर्माण प्रारम्भित निधि का विभाजन (xiv) Allocation to Capital Construction Reserve Fund	646.00	542.00	656.00	729.00
15. आपात्कालीन प्रारम्भित निधि का विभाजन (xv) Allocation to Emergency Reserve Fund	236.00	200.00	182.00	168.00
16. स्टाफ कारों की मरम्मत (xvi) Staff Cars Repairs	1.17	1.40	1.75	1.92
कुल राजस्व				
Total Revenue Expenditure	5990.71	6611.18	6501.12	7321.94

पूंजीगत लेखा
CAPITAL ACCOUNT

1. निर्माण :

(i) Constructions :

(अ) कार्यालय भवन :

(a) Office Buildings	18.19	86.00	65.00	65.00
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(ब) चिकित्सालय तथा प्रौढशाला

(b) Hospitals and Dispensaries	199.99	402.00	449.00	681.63
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योग

Total	218.18	488.00	514.00	746.63
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स. वित्त व्यवस्था के साधन :

C. SOURCES OF FINANCE :

1. नियोजकों तथा कर्मचारियों का प्रशदान

(i) Employers' and Employees' contributions	6456.40	6774.58	6560.46	7298.31
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2. भवनों का किराया

(ii) Rent of buildings	221.76	269.95	183.82	183.16
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3. बिजियोग, ऋण तथा प्रशियों पर व्याज

(iii) Interest on investment, loans and advances	226.70	252.42	346.33	364.39
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1	2	3	4	5
4. अन्य राजस्व प्राप्तियाँ (iv) Other revenue receipts	32.90	113.41	160.79	158.88
5. पूंजीगत निर्माण अरक्षित निधि (v) Capital Construction Reserve Fund	646.00	542.00	656.00	729.00
6. आपात्कालीन अरक्षित निधि (vi) Emergency Reserve Fund	236.00	200.00	182.00	168.00
कम—व्यय से अधिक आय के प्रतिशेष Deduct—Excess of Income over Expenditure	(—)947.05	(—)799.18	(—)750.28	(—) 682.80
स. योग				
C. Total	6872.71	7353.18	7339.12	8218.94

3. वित्तीय आवश्यकताओं का स्पष्टीकरण
(iii) Explanation of Financial Requirements :

(लाख रुपये में)
(Rupees in Lakhs)

1. निदेशन तथा प्रशासन	वास्तविक 1973-74 Actuals 1973-74	बजट प्राक्कलन 1974-75 Budget Estimates 1974-75	परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	बजट प्राक्कलन 1975-76 Budget Estimates 1975-76
1. Direction and Superintendence	498.58	636.37	702.17	756.74

यह बजट व्यवस्था निगम के मुख्यालय तथा इसके विभिन्न क्षेत्रीय कार्यालयों में नियुक्त अधिकारियों तथा कर्मचारियों के वेतन प्राप्ति के लिये है :—
The Budget provision is in respect of the salary etc. of the officers and staff posted in the Headquarters office of the Corporation and its various Regional Offices :—

कर्मचारी वर्गों का संक्षेप में विवरण निम्न प्रकार है :—

The following is the personnel summary :—

जैसा कि
As on

	31-3-1973	31-3-1974	31-3-1975
(1) अधिकारी (i) Officers	270	265	294
(2) अन्य कर्मचारी वर्ग (ii) Other Personnel	7,139	7,229	7,741

(रुपये लाखों में)
(Rupees in Lakhs)

2. चिकित्सा हितलाभ	वास्तविक 1973-74 Actuals 1973-74	बजट प्राक्कलन 1974-75 Budget Estimates 1974-75	परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	बजट प्राक्कलन 1975-76 Budget Estimates 1975-76
2. Medical Benefits	2470.36	2988.23	2859.82	3339.17

बीमाकृत व्यक्तियों तथा उनके परिवारों को चिकित्सा देखभाल की व्यवस्था में की गई उन्नति नीचे दी गई है :—

The progress made in providing medical care to the Insured Persons and their families is indicated below :—

जैसा कि 31 मार्च को था
As on 31st March

सूचना का स्वरूप	वास्तविक 1973-74 Actuals 1973-74	बजट प्राक्कलन 1974-75 Budget Estimates 1974-75	परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75	बजट प्राक्कलन 1975-76 Budget Estimates 1975-76
Nature of information				

1	2	3	4	5
1. केन्द्रों की संख्या 1. No. of Centres	350	402	389	435

1	2	3	4	5
2. योजना के अन्तर्गत प्राये कर्मचारियों की संख्या				
2. No. of employees covered	43,03,000	43,77,700	43,69,050	48,58,200
3. विविधता देखभाल के लिये अधिकृत व्यक्तियों की संख्या				
3. No. of insured persons entitled for medical care	47,50,000	47,55,600	48,24,100	53,66,100
4. हितधिकारियों की संख्या (बीमाकृत व्यक्तियों के परिवार के सदस्यों सहित)				
4. No. of beneficiaries (including the family members of insured persons)	1,84,04,100	1,84,51,900	1,87,17,500	2,08,20,450
5. (अ) चिकित्सालयों की संख्या :				
5. (a) No. of Hospitals :				
(1) सामान्य				
(i) General	50	—	51	56
(2) क्षय				
(ii) T. B.	6	—	8	8
(ब) अन्वेषणों की संख्या				
(b) No. of Annexes				
(1) सामान्य				
(i) General	10	—	13	13
(2) क्षय				
(ii) T. B.	14	—	14	14
6. पल्लियों की संख्या				
6. No. of beds				
(अ) चिकित्सालयों में :				
(a) In Hospitals :				
(1) सामान्य				
(i) General	7,694	—	8,120	9,895
(2) क्षय				
(ii) T.B.	1,210	—	1,230	1,630
(ब) अन्वेषणों में :				
(b) In Annexes :				
(1) सामान्य				
(i) General	160	—	160	198
(2) क्षय				
(ii) T. B.	282	—	282	282

	1	2	3	4	5
7. औषधालयों की संख्या					
7. No. of Dispensaries		773	770	780	790
8. इलाज किये गये रोगियों की संख्या					
8. No. of patients treated :—					
(अ) चिकित्सालयों में रख कर इलाज किये गये केसों की संख्या (अनैक्सियों सहित)					
(a) No. of cases treated in Hospitals (including annexes) In-door		1,64,589	1,68,000	1,72,000	2,00,000
(ब) औषधालयों में उपस्थिति सहित बाहरी इलाज (बीमाकृत व्यक्ति तथा परिवारों के सदस्यों)					
(b) Outdoor including attendance at dispensaries (both insured Persons and family members)					
(1) नये केस					
(i) New Cases		2,62,47,982	2,80,00,000	2,72,00,000	3,14,00,000
(2) पुराने केस					
(ii) Old Cases		5,14,29,491	5,88,00,000	5,32,00,000	6,10,00,000
9. कर्मचारी वर्ग की संख्या (योजना में राज्य सरकारों के अधीन नियुक्त कर्मचारी वर्ग सहित)					
9. Staff Strength (including staff employed on the schemes under the State Governments)					
(अ) चिकित्सा अधिकारी					
(a) Medical Personnel		14,846	15,108	15,052	15,285
(ब) अन्य कर्मचारी वर्ग					
(b) Other Personnel		18,844	19,781	19,117	19,883
10. प्रति कर्मचारी प्रति वर्ष व्यय					
10. Expenditure per annum per employee		Rs. 141.83	Rs. 152.81	Rs. 150.66	Rs. 154.93

योजना के अन्तर्गत आये क्षेत्रों सम्बन्धी राज्यवार स्थिति जैसी कि 31 मार्च, 1974 को दी नीचे तालिका में दी गई है :—

The Statewise position regarding coverage of the Scheme as on 31st March, 1974 is given in the table below :—

तालिका

TABLE

क्रम संख्या	राज्य	कार्यान्वित क्षेत्रों में केन्द्रों की संख्या	योजना के अन्तर्गत आये कर्मचारियों की संख्या	बीमाकृत व्यक्तियों की संख्या	बीमाकृत व्यक्तियों का कर्मचारियों से अनुपात
Sl. No.	State	No. of Centres in implemented areas	No. of Employees covered	No. of Insured Persons covered	Ratio of Insured Persons to emp- loyees
1	2	3	4	5	6
1. आन्ध्र प्रदेश					
1. Andhra Pradesh		40	1,40,500	1,49,000	1.0605
2. असम					
2. Assam		9	19,500	22,000	1.1282
3. बिहार					
3. Bihar		19	76,500	81,000	1.0588
4. चण्डीगढ़					
4. Chandigarh		1	7,200	9,000	1.2500
5. दिल्ली					
5. Delhi		1	1,32,000	1,50,000	1.1364
6. गुजरात					
6. Gujarat		14	3,96,300	5,00,000	1.2617
7. हरियाणा					
7. Haryana		17	1,27,800	1,43,000	1.1189
8. हिमाचल प्रदेश					
8. Himachal Pradesh		—	—	—	—
9. कर्नाटक					
9. Karnataka		25	2,30,300	2,46,000	1.0682
10. केरल तथा माहे					
10. Kerala & Mahe		52	1,88,400	2,00,000	1.0616
11. मध्य प्रदेश					
11. Madhya Pradesh		20	1,28,000	1,36,000	1.0625
12. महाराष्ट्र					
12. Maharashtra :					
(अ) बम्बई क्षेत्र					
(a) Bombay area		13	9,61,000	10,77,000	1.1207
(ब) नागपुर क्षेत्र					
(b) Nagpur area		7	46,000	49,000	1.0652
13. उड़ीसा					
13. Orissa		13	52,200	55,000	1.0536
14. पॉन्डिचेरी					
14. Pondicherry		1	12,500	14,000	1.1200
15. पंजाब					
15. Punjab		21	1,09,000	1,28,000	1.1743
16. राजस्थान					
16. Rajasthan		17	82,200	87,000	1.0584
17. तमिलनाडु					
17. Tamil Nadu		37	3,73,600	4,00,000	1.0707
18. उत्तर प्रदेश					
18. Uttar Pradesh		38	3,95,000	4,30,000	1.0886
19. पश्चिमी बंगाल					
19. West Bengal		5	8,25,000	8,74,000	1.0594
समस्त भारत					
All India		350	43,03,000	47,50,000	1.1039

योजना के अन्तर्गत आये परिवार (बीमाकृत व्यक्ति) एककों की संख्या	बीमाकृत महिलाओं की संख्या	योजना के अन्तर्गत अभी आने वाले कर्मचारियों की संख्या	कुल कर्मचारियों से योजना के अन्तर्गत आये कर्मचारियों की प्रतिशतता	बीमाकृत व्यक्तियों के परिवार सदस्यों सहित हिताधिकारियों की संख्या Total No. of Beneficiaries inclu- ding members of family of I.Ps.	योजना के अन्तर्गत आये तथा आने वाले कर्मचा- रियों की कुल संख्या Total No. of employees (covered & yet to be covered)
No. of family (I.P.) Units covered	No. of Insured Women	No. of employees yet to be covered	Percentage of covered to total employees		
7	8	9	10	11	12
1,49,000	11,050	11,400	92.50	5,78,100	1,51,900
21,150	1,600	9,700	66.78	82,900	29,200
81,000	5,400	1,16,900	39.56	3,14,300	1,93,400
9,000	150	—	100.00	34,900	7,200
1,50,000	11,700	—	100.00	5,82,000	1,32,000
5,00,000	16,000	85,700	82.82	19,40,000	4,82,000
1,41,650	14,450	1,500	98.84	5,50,950	1,29,300
—	—	1,800	—	—	1,800
2,45,500	27,050	23,800	90.63	9,53,050	2,54,100
2,00,000	78,400	5,000	97.41	7,76,000	1,93,400
1,35,350	8,850	68,700	65.07	5,25,800	1,96,70
10,77,000	71,100	42,700	95.75	41,78,750	10,03,700
49,000	1,600	18,200	71.65	1,90,100	64,200
52,350	2,400	58,900	46.98	2,05,750	1,11,100
14,000	1,450	—	100.00	54,300	12,50
1,28,000	8,200	2,300	97.63	4,96,650	1,11,30
87,000	6,800	6,700	92.46	3,37,550	88,900
4,00,000	39,200	37,800	90.81	15,52,000	4,11,40
4,27,050	8,600	28,700	93.23	16,59,900	4,23,700
8,74,000	28,850	1,17,200	87.56	33,91,100	9,42,200
47,41,050	3,42,850	6,37,000	87.11	1,84,04,100	49,40,000

इस कार्य पर प्रारम्भ में व्यय, दिल्ली संघ के अलावा राज्य सरकारों द्वारा, जिनका चिकित्सा योजना पर प्रशासनिक नियन्त्रण है, किया जाता है। राज्य सरकारों से व्यय विकरण प्राप्त होने पर निगम तिमाही आधार पर इसका अंग ग्रहण करती है। प्रमाणी नियन्त्रण सुनिश्चित करने के लिये निगम ने चिकित्सा वेधमाल को विभिन्न श्रेणियों के अन्तर्गत चिकित्सा व्यय पर अधिकतम सीमा तय कर दी है तथा राज्य सरकारों द्वारा इस सीमा से अधिक किया गया कोई भी व्यय पूर्णतया उन्हीं द्वारा वहन करना पड़ता है तथा इस प्रकार का अधिक व्यय निगम के बजट या खाते में नहीं दिखाया जाता। वर्तमान अधिकतम सीमा इस प्रकार है :—

The expenditure on this activity is initially incurred by the State Governments who are in administrative control of the Medical Scheme except in the Union Territory of Delhi. The Corporation pays its share on quarterly basis on receipt of expenditure Statements from the State Governments. In order to ensure effective control, the Corporation has fixed ceilings on medical expenditure under the different categories of Medical care and any expenditure incurred by the State Governments over and above these ceilings is borne exclusively by them and such excess expenditure is not reflected in the Corporation budget or Accounts. The current ceilings are as follows :—

देखरेख की प्रकार Type of Care	वर्ग के अधीन देखरेख का क्रम Range of care under the type	अधिकतम सीमा Ceilings
1	2	3
		रुपये Rs.
(अ) प्रतिबन्धित चिकित्सा देखरेख	केवल बीमाकृत व्यक्तियों के लिये प्रतिबन्धित	65
(a) Restricted Medical Care	Restricted to the Insured Persons only	65
(ब) विस्तारित चिकित्सा देखरेख	जबकि बीमाकृत व्यक्तियों की पूर्ण चिकित्सा देखरेख प्रदान की जाती है परन्तु उनके परिवारों का केवल बाहरी इलाज किया जाता है।	70
(b) Expanded Medical Care	While full medical care is given to the Insured Persons, their families are given out-door treatment only	70
(स) पूर्ण चिकित्सा देखरेख	इसमें बीमाकृत व्यक्तियों तथा उनके परिवारों को बहिरंग तथा अतिरंग दोनों इलाज दिये जाते हैं।	85
(c) Full Medical Care	It provides both out-door and in-door treatment to the Insured Persons and their families	85

योजना को प्रतिरिक्त लागू करने के निर्धारित लक्ष्य तथा वास्तविक उपलब्धियाँ नीचे दी गई हैं :—

The targets fixed for additional coverage of the scheme and actual achievements are given below :—

व्याप्ति का लक्ष्य Targets for Coverage	(Rs. in lakhs)				
	वास्तविक 1973-74 Actuals 1973-74	बजट प्राक्कलन 1974-75 Budget Estimates 1974-75	परिमोदित प्राक्कलन 1974-75 Revised Estimates 1974-75	बजट प्राक्कलन 1975-76 Budget Estimates 1975-76	
1. केन्द्रों की संख्या (i) No. of Centres		350	402	389	435
2. कर्मचारियों की संख्या (ii) No. of employees		43,03,000	43,77,700	43,69,950	48,58,200
3. नकद हितलाभ (iii) Cash Benefits		2035.16	2139.53	1997.29	2222.63

कर्मचारी राज्य बीमा योजना के अन्तर्गत दो प्रकार के नकद हितलाभ दिये जाते हैं अर्थात् सांविधिक जोकि कर्मचारी राज्य बीमा अधिनियम के अनुसार दिये जाते हैं तथा असांविधिक जोकि निगम के प्रस्तावों द्वारा विस्तारित किये जाते हैं। विभिन्न श्रेणियों की नकद लाभों की पात्रता कर्मचारियों की मजदूरी की दर तथा चन्दों की धरा की गई संख्या पर निर्भर करती है। मोटे तौर पर बीमारी के कारण नकद हितलाभ मजदूरी का 50 प्रतिशत आता है, घातगता तथा अश्वितजन हितलाभ मजदूरी के 62.5 प्रतिशत आते हैं तथा बीमाकृत महिला कर्मचारियों को प्रसूति हितलाभ पूरी मजदूरी के बराबर मिलता है। बीमा कृत व्यक्ति की मृत्यु होने पर अन्त्येष्टि हितलाभ सौ रुपया की दर से दिया जाता है।

Cash Benefits provided under the Employees' State Insurance Scheme are of two types, namely statutory i.e. those provided in the Employees' State Insurance Act and non-statutory which are extended by Resolutions of the Corporation. The eligibility for different categories of Cash Benefits is dependant upon the number of contributions paid by the employees and the rate of their wages. Roughly, the cash benefit on account of sickness comes to 50% of the wages, in case of Disablement and Dependents' Benefits it works out to 62.5% of the wages and full wages are paid in the case of Maternity Benefit to female insured workers. Funeral Benefit is paid at the rate of Rs. 100/- in the event of death of an insured person.

इन हितलाभों का भुगतान बीमाकृत व्यक्तियों या उनके हितधिकारियों को निगम के स्थानीय/भुगतान कार्यालयों द्वारा किया जाता है जोकि अधिकतर उन औद्योगिक केन्द्रों में स्थापित हैं जहाँ योजना कार्यान्वित हो चुकी है। नकद हितलाभों के व्यय पर बढ़ाव-बढ़ाव विभिन्न कारणों पर निर्भर है जैसे कि स्वास्थ्य स्थिति, औद्योगिक शांति, तथा कर्मचारियों में हितलाभों आदि के अधिकारों की जागरूकता। इसलिये प्रत्यक्ष लक्ष्य नियत करना संभव नहीं है।

These benefits are paid to the Insured persons or their beneficiaries directly by the Corporation through its Local/Pay offices which are located in almost all the industrial centres where the Scheme has been implemented. The incidence of expenditure on cash benefits depends on a variety of factors, e.g. state of health, industrial peace and the awareness of the workers about their entitlement to the benefits etc. it is, therefore, not possible to fix any physical targets.

विभिन्न श्रेणियों के प्रयोजन नकद हितलाभों के व्यय का ब्योरा नीचे तालिका में दिया गया है :—

The break-up of expenditure under the different categories of Cash Benefits is given in the following Table:—

		(प्रति लाख व्ययों में) (Figures in lakhs)							
		वास्तविक 1973-74 Actuals 1973-74		बजट प्राक्कलन 1974-75 Budget Estimates 1974-75		परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75		बजट प्राक्कलन 1975-76 Budget Estimates 1975-76	
		कर्मचारियों की संख्या No. of Employees	राशि Amount	कर्मचारियों की संख्या No. of Employees	राशि Amount	कर्मचारियों की संख्या No. of Employees	राशि Amount	कर्मचारियों की संख्या No. of Employees	राशि Amount
1		2	3	4	5	6	7	8	9
		Rs.		Rs.		Rs.		Rs.	
(i)	बीमारी हितलाभ Sickness Benefit	41.04	1187.85	42.16	1243.54	42.97	1166.84	43.82	1225.47
(ii)	विस्तारित बीमारी हितलाभ Extended Sickness Benefit	41.04	111.36	42.16	115.69	42.97	116.30	43.82	127.10
(iii)	मातृत्व हितलाभ Maternity Benefit	41.04	80.52	42.16	81.92	42.97	84.07	43.82	89.52
(iv)	(a) अस्थायी अपंगता हितलाभ Temporary Disablement Benefit	42.24	229.47	43.33	253.19	43.15	219.29	47.26	245.89
	(b) स्थायी अपंगता हितलाभ Permanent Disablement Benefit	42.24	303.95	43.33	339.86	43.15	304.16	47.26	381.99
(v)	आश्रितजन हितलाभ Dependent's Benefit	42.24	112.73	43.33	94.80	43.15	97.49	47.26	141.99
(vi)	अन्त्येष्टि हितलाभ Funeral Benefit	42.24	9.28	43.33	10.53	43.15	9.14	47.26	10.67
योग नकद हितलाभ TOTAL CASH BENEFITS:		2035.16		2139.53		1997.29		2222.63	
		वास्तविक 1973-74 Actuals 1973-74		बजट प्राक्कलन 1974-75 Budget Estimates 1974-75		परिशोधित प्राक्कलन 1974-75 Revised Estimates 1974-75		बजट प्राक्कलन 1975-76 Budget Estimates 1975-76	
(vii)	नकद वितरण कार्यालयों पर प्रशासनिक व्यय Establishment charges on cash disbursement offices	Rs.	211.89	Rs.	270.54	Rs.	277.45	Rs.	303.58
(viii)	कुल विस्तारित नकद हितलाभ की राशि के प्रशासनिक व्यय की प्रतिशतता Percentage of Establishment charges to total amount of cash benefits disbursed		10.41%		12.64%		13.89%		13.41%
(ix)	प्रति वर्ष प्रति कर्मचारी व्यय Expenditure per employee per annum	Rs.	5.02	Rs.	6.24	Rs.	6.42	Rs.	6.42

(Rupees in lakhs)

अन्य हितसाध	वास्तविक	बजट प्राक्कलन	परिशोधित प्राक्कलन	बजट प्राक्कलन
	1973-74	1974-75	1974-75	1975-76
4. OTHER BENEFITS	Actuals 1973-74	Budget Estimates 1974-75	Revised Estimates 1974-75	Budget Estimates 1975-76
	9.36	8.55	8.01	9.40

इस क्रिया द्वारा घांग बीमाकृत व्यक्तियों को कृत्रिम घांग प्रदान किये जाते हैं जिससे उन्हें पुनर्जीवन मिल सके, चिकित्सा मण्डलों और अपील के लिये चिकित्सा अधिकरणों का शुल्क दिया जाता है व जब कि बीमाकृत को चिकित्सा निवेष्टी, चिकित्सा मण्डल या अपील के लिये चिकित्सा अधिकरण के सम्मुख प्रस्तुत होना पड़े तो उन्हें यात्रा भत्ता व इस कारण से वेतन का नुकसान हो तो उसका मुआवजा दिया जाता है। इस क्रिया के अन्तर्गत वे सभी विविध खर्चे आते हैं जो निगम बीमाकृत व्यक्तियों के लाभ के लिये सीधे तौर पर खर्च करती है।

बीमारी की छुट्टी पर बीमाकृत व्यक्तियों के परीक्षण के लिये चिकित्सा निर्देशों को भेजे गये आनर्घता प्रमाणपत्रों की संख्या नीचे दिखाई गई है :—

This activity embraces the provision of artificial limbs to disabled Insured Persons with a view to rehabilitate them in life, the payment of fees to the members of Medical Boards and appellate Medical Tribunals, payment of conveyance charges and compensation for loss of wages to Insured workers when they are required to appear before Medical Referee, Medical Boards or Appellate Medical Tribunals. Other miscellaneous expenses incurred by the Corporation for the direct benefit of insured workers also fall under this activity.

The number of incapacity references made to the Medical Referees for examining insured workers on medical leave are shown below:—

	1973-74	1974-75	1975-76
1. प्रेषित केसों की संख्या			
1. No. of cases referred	1,35,369	1,37,500	13,80,000
2. परीक्षित व घोषित केसों की संख्या			
2. No. of cases examined and declared			
अ. योग्य			
(a) Fit	24,558	25,000	25,400
क. अयोग्य			
(b) Unfit	73,276	73,700	74,000
3. ऐसे केसों की संख्या जिनमें बीमाकृत व्यक्ति उपस्थित न हो सके।			
3. No. of cases where Insured Persons failed to attend	27,800	28,000	28,100

(लाख रुपयों में)
(Rupees in Lakhs)

5. निर्माण	वास्तविक	बजट प्राक्कलन	परिशोधित प्राक्कलन	बजट प्राक्कलन
	1973-74	1974-75	1974-75	1975-76
5. Constructions	Actuals	Budget Estimates	Revised Estimates	Budget Estimates
	1973-74	1974-75	1974-75	1975-76
1. कार्यालय के भवन				
1. Office buildings	18.19	86.00	65.00	65.00
2. चिकित्सालय व औषधालय				
2. Hospitals and dispensaries	199.99	402.00	449.00	681.63

कर्मचारी राज्य बीमा अधिनियम के अन्तर्गत चिकित्सा योजना के संचालन का भार राज्य सरकारों का है और इसलिये यह उन्हीं का कार्य है कि वे कर्मचारी राज्य बीमा चिकित्सालयों/औषधालयों के लिये भवनों का आवश्यक प्रबंध करें। प्रारम्भ में निगम के पास व्यय से अधिक आय का अतिशेष पर्याप्त मात्रा में था जबकि राज्य सरकारों के पास इसमें खर्च के लिये पर्याप्त साधन नहीं थे जिसके परिणामस्वरूप योजना की गति अधिक नहीं थी अब इसलिये निगम ने व्यय से अधिक आय के अतिशेष को अपने कार्यालयों तथा क० रा० बी० अस्पताल/औषधालयों के निर्माण में लगाने का फैसला किया।

निगम ने अपनी 2 फरवरी 1974 को हुई बैठक में विभिन्न राज्यों में क० रा० बी० परियोजना के पूंजीगत निर्माण कार्यक्रम पर पुनर्विचार किया तथा निम्नलिखित की स्वीकृति दी :—

Under the E.S.I. Act 1948, the administration of the medical scheme is the responsibility of the State Governments. As such it is for them to provide necessary buildings to house the E.S.I. Hospitals/Dispensaries. In the initial stages, the Corporation had sizeable balance of income over expenditure, whereas the State Governments were not finding adequate resources to construct necessary buildings as a result of it, the Scheme was not making much head-way. The Corporation, therefore, decided to invest surplus of its income over expenditure in the construction of buildings for housing its own offices and ESI Hospitals/Dispensaries.

The Corporation in their meetings held on 2nd Feb, 1974 reviewed the Capital Construction programme of the E.S.I. projects in various States and approved that:—

- (i) अंशदानों द्वारा प्राप्त लागत का 10 प्रतिशत पूंजीगत निर्माण आरक्षित निधि में जमा कर दिया जाये, तथा चिकित्सालय/औषधालय/अन्य चिकित्सा संस्थाओं व कार्यालय भवनों/स्टाफ, क्वार्टरों के निर्माण पर खर्च को 8 : 2 के अनुपात में किया जाये।
- (ii) 10% of the total revenue derived from 'Contributions' be credited the Capital Construction Reserve Fund; and expenditure on construction of Hospitals/Dispensaries/Other medical institutions and office buildings/staff quarters be incurred in the ratio of 8 : 2;
- (iii) पूंजीगत निर्माण पर प्रति व्यक्ति सीमा को 140 रु० से बढ़ाकर 170 रु० कर दिया जाये तथा उसका संबंध परियोजना की स्वीकृति की तारीख के दिन कर्मचारियों की संख्या में रखा जाये।
- (ii) The limit of per capital expenditure on Capital Construction be raised from Rs. 140 to Rs. 170 and related to the number of employees on the date of sanctioning the projects;
- (iii) अतिरिक्त अस्पतालों/अनैक्सियों के लिये प्लान तथा अनुमान स्वीकृत कर देने चाहिये जिससे कि 5 पलंग प्रति एक हजार कर्मचारियों के हिसाब से प्रबंध किया जा सके, जैसा कि नई परियोजनाओं के स्वीकृत होने पर स्वीकृत किया जाता है। आमतौर पर 4 पलंग प्रति 1,000 कर्मचारी के हिसाब से नियत सीमा पार नहीं होगी, और केवल अपवादात्मक केसों में ही अतिरिक्त पलंगों की आवश्यकता होगी जिनमें कि बीमारी प्रकोपों के कारण अस्पतालों में अधिक भर्ती की आवश्यकता होगी जोकि उस क्षेत्र में वर्तमान 40 रा० बी० औषधालयों में भरे हुए पलंगों पर निर्भर होगी, और
- (iii) the plans and estimates for additional hospitals/annexes be sanctioned so as to provide upto 5 beds per thousand employees as approved at the time of sanctioning of new projects. Normally, the limit of 4 beds per thousand employees already fixed shall not be exceeded; and that only in exceptional cases the additional beds depending upon the incidence of diseases requiring hospitalization based on occupancy of beds in existing E.S.I. Hospitals in that area; and

चिकित्सालयों में पलंगों की व्यवस्था का मापदण्ड 4 पलंग प्रति एक हजार परिवार बीमाकृत व्यक्ति एकक के हिसाब से बना दिया गया है।

The yardstick for provision of hospital beds has normally been fixed at the rate of 4 beds per thousand family employees.

1973-74 के अन्त तक प्रशामन कार्यालयों, औषधालयों तथा स्टाफ क्वार्टरों महित के लिये भूमि लेने व भवनों के निर्माण पर पूंजीगत व्यय 4531.13 लाख रुपये था।

The capital expenditure on acquisition of sites and construction of buildings for Administrative offices, Dispensaries and Hospitals including staff quarters upto the end of 1973-74 amounted to Rs. 4531.43 lacs.

महात्मा गांधी मैमोरियल अस्पताल के लिये 100 लाख रुपये के अनुदान के अतिरिक्त निगम ने महाराष्ट्र राज्य में चिकित्सालय व औषधालयों के भवनों के निर्माण के लिये महाराष्ट्र राज्य को 234 लाख रुपये का ऋण स्वीकृत किया है। 60 लाख रुपये प्रत्येक की प्रथम तीन किश्तें वर्ष 1973-74 के अन्त तक दे दी गई थी तथा वर्ष 1974-75 में 54 लाख रुपये देने हैं। इसका प्रबंध 1974-75 के बजट प्राक्कलन में कर दिया गया है। महाराष्ट्र सरकार को 27.56 लाख रुपये के एक और ऋण की स्वीकृति का प्रस्ताव केन्द्रीय सरकार/निगम के विचाराधीन है। तदनुसार 1975-76 के बजट प्राक्कलन में आवश्यक प्रबंध कर दिया गया है।

A loan of Rs. 234 lacs, apart from grant in aid of Rs. 100 lacs for M.G.M. Hospital, has been sanctioned by the Corporation to the Government of Maharashtra for the construction of Hospital and Dispensary buildings in that State. First 3 instalments of Rs. 60 lacs each have been released upto the end of 1973-74 and Rs. 54 lacs is to be paid during 1974-75. This has been provided in the Revised Estimates for 1974-75. Another proposal to grant a loan of Rs. 27.56 lacs to Maharashtra Government is also under consideration of the Central Government/Corporation. Necessary provision has accordingly been made in the Budget Estimates 1975-76.

निर्माण कार्य का कार्यक्रम (कार्य की प्रगति सहित) अनुलम्बक में दिया गया है।

Programme of construction work (including work in progress) is given in the annexure.

(लाख रुपयों में)
(Rupees in lakhs)

मूल्यहास, मरम्मत व संरक्षण	वास्तविक	बजट प्राक्कलन	परिशोधित	बजट	ला
		प्राक्कलन			
	1973-74	1974-75	1974-75	1975-76	
6. Depreciation, Repairs and Maintenance	Actuals	Budget Estimates	Revised Estimates	Budget Estimates	
	1973-74	1974-75	1974-75	1975-76	
	95.25	96.50	97.03	97.00	

यह उपर्युक्त चिकित्सालय/औषधालय/अनैक्सियों की इमारतों के मूल्यहास, मरम्मत व अनुरक्षण आदि के लिये है।

The provision is for depreciation, Repairs & Maintenance of Hospital/Dispensary/Annex Buildings.

7. विनियोजन/ऋण	(लाख रुपयों में) (Rupees in lakhs)			
7. Investments/Loans				
विनियोजन	वास्तविक	बजट प्राक्कलन	परिशोधित	बजट प्राक्कलन
			प्राक्कलन	
	1973-74	1974-75	1974-75	1975-76
(a) Investments	Actuals	Budget Estimates	Revised Estimates	Budget Estimates
	1973-74	1974-75	1974-75	1975-76
	1750.49	802.44	839.58	849.99

निगम की आय मुख्यतः योजना के अन्तर्गत आये नियोजकों व कर्मचारियों के अंशदानों से प्राप्त होती है जिसकी अन्तर्वाह वर्ष में प्रायः बना ही रहता है। इसका अधिकांश भाग चिकित्सा हितलाभ और निर्माण/पूँजीगत परियोजनाओं के अनुरक्षण पर होता है जोकि राज्य सरकारों के माध्यम से खर्च किया जाता है। चिकित्सा हितलाभ पर निगम के अंश के व्यय की अदायगी, राज्य सरकारों से प्राप्त त्रैमासिक खर्च का विवरण प्राप्त होने पर त्रैमासिक की जाती है और पूँजीगत निर्माण/पूँजीगत परियोजनाओं के लिये राशि का उपबन्ध निष्पादन एजेंसियों की मांग के आधार पर किया जाता है। इस प्रकार कई बार राशि का अन्तर्वाह, बाह्रवाह से बढ़ जाता है।

The income of the Corporation is derived mainly from 'Contributions' from the employers and employees covered under the Scheme the inflow of which is more or less steady throughout the year. A major portion of its expenditure is on Medical Benefits and construction/maintenance of capital projects and is incurred through the State Governments. The payments towards the Corporation's share of expenditure on Medical benefits are made on quarterly basis against the quarterly expenditure statements received from the State Governments and the funds for capital construction/maintenance of Capital projects are provided according to demand from the executive agencies etc. Thus at times, the inflow of funds exceeds their outflow.

यह सुनिश्चित करने के लिये कि तात्कालिक आवश्यकताओं से फालतू राशि बेकार न पड़ी रहे, अथोपाय स्थिति का प्रति सप्ताह अध्ययन किया जाता है और फालतू राशि का स्टेट बैंक आफ इंडिया में नियतकालिक जमा में विनियोजन कर दिया जाता है, जिसकी कि अवधि, राशि की भविष्य की आवश्यकताओं पर निर्भर करती है। कई बार इस प्रकार का विनियोजन बहुत थोड़ी अवधि के लिये, 16 दिन या अधिक के लिये, किया जाता है जिसका कि स्टेट बैंक जमा की अवधि के अनुसार विभिन्न दरों पर ब्याज देता है। इस प्रकार के बहुत सारे विनियोजन को चालू वर्ष के दौरान ही वसूल कर लिया जाता है और आवश्यकतानुसार खर्च के चुकाने के लिये इसका प्रयोग किया जाता है।

In order to ensure that the funds surplus to immediate requirements do not remain idle, the ways and means position is reviewed every week and the surplus funds are invested in Fixed Term Deposits of the State Bank of India, the duration of which depends on the future requirements of funds. Sometimes such investments are made for very short periods of 16 days or more for which the State Bank allows interest at different rates depending on the period of deposit. Most of the investments so made are realised during the currency of the year and utilised for defraying the expenditure, as and when the need arises.

(लाख रुपये में)
(Rupees in Lakhs)

(ब) ऋण	वास्तविक बजट प्राक्कलन परिशोधित प्राक्कलन बजट प्राक्कलन			
	1973-74	1974-75	1974-75	1975-76
	Actuals	Budget Estimates	Revised Estimates	Budget Estimates
(b) Loans	1973-74	1974-75	1974-75	1975-76
	60.00	54.00	54.00	27.56

ऋण देने को निगम की कोई नियमित नीति नहीं है। इसकी निधि का प्रयोग केवल योजना के ध्येयों को प्राप्ताह देने के लिये ही किया जाता है। व्यय से अधिक आय के अतिशेष को पिछले वर्षों में इसके कार्यालयों, अस्पतालों और औषधालयों के लिये भवनों के निर्माण के लिये प्रयोग किया गया था। महाराष्ट्र राज्य ने यह आग्रह किया था कि वे हस्तपालों व औषधालयों का राज्य में, अपनी सम्पत्ति के रूप में निर्माण करेंगे। निगम ने उन्हें इस कार्य के लिये आवश्यक राशि ऋण के रूप में देने के लिये मान लिया था। 2.34 करोड़ रुपये का अधिक ऋण उन्हें वर्ष 1971-72 में स्वीकृत किया गया था जिसकी 60 लाख रुपये प्रत्येक की 3 किश्तें वर्ष 1971-72, 1972-73, 1973-74 में दी जा चुकी हैं। शेष 54 लाख रुपये की किश्त 1974-75 में दे दी जायेगी। महाराष्ट्र सरकार को 27,56,300 रुपये के एक और ऋण की स्वीकृति का प्रस्ताव केन्द्रीय सहकारी निगम के विचाराधीन है। तदनुसार 54 लाख रुपये तथा 27.56 लाख रुपये का प्रबंध 1974-75 के परिशोधित प्राक्कलन और 1975-76 के बजट प्राक्कलन में क्रमशः कर दिया गया है।

It is not a regular activity of the Corporation to grant loans and its funds are utilised solely for the furtherance of the objectives of the Scheme. The surplus of its income over expenditure accumulated during the previous years had been utilised towards the construction of buildings for housing its offices, hospitals and dispensaries in different states. The State Government of Maharashtra, however, insisted that they would construct the buildings for hospitals and dispensaries in the state as their own property. The Corporation agreed to advance them necessary funds in the shape of loans for this purpose. The last loan of Rs. 2.34 crores was sanctioned to them in the year 1971-72 out of which three instalments of Rs. 60 lakhs each have already been paid during the years 1971-72, 1972-73 and 1973-74. The remaining instalment of Rs. 54 lakhs would be drawn during 1974-75. Another proposal to grant a loan of Rs. 27,56,300 to Maharashtra Government is also under consideration of the Central Government/Corporation. Accordingly provision of Rs. 54 lacs ; & Rs. 27.56 lacs have been made in the Revised Estimates for 1974-75 and Budget Estimates for 1975-76 respectively.

इस राज्य द्वारा पूँजीगत निर्माण की नीति के पुनरीक्षण के कारण निगम ने अपने ही खर्च पर क० रा० बी० परियोजनाओं के निर्माण का निर्णय किया है।

As a result of further review of the policy of Capital Construction by this State, the Corporation has decided to construct ESI projects at its own cost.

अनुलग्नक

ANNEXURE

प्रगति की प्रतिशतता

Percentage of progress

क्रम संख्या	काम की क्रिस्म	बसावट का विवरण	बजट प्राक्कलन 1974-75	संशोधित प्राक्कलन 1974-75	बजट प्राक्कलन 1975-76	कार्य शुरू करने की तिथि	कार्य पूरा होने की अपेक्षित तिथि	1974-75 में प्रारम्भ किया गया लक्ष्य	1974-75 में अंतर्गत उपलब्धियों की संभावना	1975-76 में किया गया लक्ष्य	टिप्पणी
Sl. No.	Type of work	Location/description	Budget estimates 1974-75	Revised estimates 1974-75	Budget estimates 1975-76	Date of commencement of work	Expected date of completion	Targetted in beginning of 1974-75	Achievement likely to be achieved during 1974-75	Targetted for 1975-76	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
1.	क्षेत्रीय कार्यालय भवन	अहमदाबाद गुजरात Regional Office Building Ahmedabad Gujarat	N.A.	N.A.	N.A.	1-12-73	31-3-75	N.A.	N.A.	N.A.	
2.	160 टाइप-2 क्वार्टर्स	अंधेरी महाराष्ट्र 160 type II quarters Andheri Maharashtra	N.A.	N.A.	N.A.	5-73	N.A.	N.A.	N.A.	N.A.	
3.	क्षेत्रीय कार्यालय भवन	जयपुर राजस्थान Regional Office Building Jaipur Rajasthan	N.A.	N.A.	N.A.	12-73	31-3-75	N.A.	N.A.	N.A.	
4.	उत्तरी कलकत्ता स्थानीय कार्यालय भवन	कलकत्ता पश्चिमी बंगाल Local office Building North Calcutta West Bengal	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	
चिकित्सालय/अनैस्थियों/प्रौद्योगिकी Hospitals/Annexes/Dispensaries											
चिकित्सालय Hospitals											
5.	राज्य कर्मचारी बीमा चिकित्सालय में 150 पलंगों का निर्माण	जिला क्वालोम एज़हकोने (केरल) 100 प्रतिशत	100 प्रतिशत वर्ष में पूरा होने की आशा है।	100% Expected to be completed during the years	—	30-3-66	Dec., 74	100%	100%	100%	

1	2	3	4	5	6	7	8	9	10	11	12
6. 40 पलंगों वाले क० रा० बी० अस्पताल का निर्माण।	कंसबहल (उड़ीसा)										जल वितरण व्यवस्था की प्रतीक्षा है जिसका कि प्रबंध किया जा रहा है।
Construction of 40 bedded E.S.I. Hospital	Kansbahal (Orissa)	100%	100%	—	1-1-71	Nil	100%	100%	—	Awaiting commissioning for water supply arrangements which are being arranged	
7. 75 पलंगों वाले अस्पताल का निर्माण	क० रा० बी० अस्पताल ग्वालियर (म० प्र०)										
Construction of 75 bedded Hospital	ESI Hospital Gwalior (M.P.)	100%	60%	100%	3-7-73	Dec., 74	100%	60%	100%		
8. 600 पलंगों वाले क० रा० बी० अस्पताल का निर्माण	अन्धेरी बम्बई (महाराष्ट्र)										
Construction of 600 bedded ESI Hospital	Andheri Bombay (Maharashtra)	70%	70%	100%	Dec., 73	June, 75	70%	70%	100%		
9. 400 पलंगों वाले क० रा० बी० अस्पताल का निर्माण	मानिकटोला कलकत्ता (प० ब०)										
Construction of 400 bedded ESI Hospital	Manicktolla Calcutta (W.B.)	30%	30%	60%	Oct., 73	1977	30%	30%	60%		
10. 150 पलंगों वाले (क्षय रोग) क० रा० बी० अस्पताल का निर्माण	कन्यापुर आसनसोल (प० ब०)										
Construction of 150 bedded (T.B.) Hospital	Kanyapur Asansol (W.B.)	N.A.	N.A.	N.A.	26-2-74	N.A.	N.A.	N.A.	N.A.		
11. 600 पलंगों वाले क० रा० बी० अस्पताल का निर्माण	वाशी, बम्बई (महाराष्ट्र)										
600 bedded ESI Hospital	Washi, Bombay (Maharashtra)	70%	70%	100%	20-3-74	June, 75	70%	70%	100%		
12. 90 अतिरिक्त पलंगों वाले, क० रा० बी० अस्पताल का निर्माण	फरीदाबाद (हरियाणा)										
Construction of 90 additional beds, ESI Hospital	Faridabad (Haryana)	85%	85%	100%	1-1-74	31-12-74	85%	85%	100%		
13. 100 पलंगों वाले क० रा० बी० अस्पताल का निर्माण	उल्हासनगर (महाराष्ट्र)										
100 bedded ESI Hospital	Ulhasnagar (Maharashtra)	25%	25%	99%	8-8-74	April, 76	25%	25%	99%		
14. 250 पलंगों वाले, (क्षय रोग) क० रा० बी० अस्पताल का निर्माण	ठाकुरपुर (पश्चिमी बंगाल)										
250 bedded ESI T.B. Hospital	Thakurpur (West Bengal)	N.A.	N.A.	N.A.	24-9-74	N.A.	N.A.	N.A.	N.A.		
15. 60 पलंगों वाले, क० रा० बी० अस्पताल का निर्माण	मंगलूर (कर्नाटक)										
60 bedded ESI Hospital	Mangalore (Karnataka)	N.A.	N.A.	N.A.	11-10-74	N.A.	N.A.	N.A.	N.A.		

1	2	3	4	5	6	7	8	9	10	11	12
16.	75 फलंगों वाले (क्षय रोग) के क० रा० बी० अस्पताल का निर्माण	रायपुर (मध्य प्रदेश)									इस निर्माण योजना को राज्य सरकार को बेचने के प्रयत्न चल रहे हैं।
	75 bedded ESI (TB) Hospital	Raipur (M.P.)	100%	100%	100%	—	100%	—	—	—	Efforts to sell this project to State Govt. are on.

उपभवन
ANNEXES

17.	10 फलंग उपभवन	कावेरीनगर (तमिलनाडु)									
	10 bed Annexes	Cauverynagar (Tamil Nadu)	100%	100%	—	11-3-68	—	100%	100%	100%	
18.	16 फलंग (उपभवन)	राजगनपुर (उड़ीसा)									11
	16 bed annexe	Rajganpur (Orissa)	100%	100%	—	10-2-71	Aug., 74	100%	100%	—	
19.	क० रा० बी० औषधालय में 12 ग्रन्थरोधन फलंग	हिसार (हरियाणा)									
	12 detention beds in ESI Dispensary	Hissar (Haryana)	60%	60%	100%	13-8-74	—	60%	60%	100%	

औषधालय
Dispensaries

20.	दो डाक्टरों का औषधालय तथा स्टाफ क्वार्टर्स	कोन्डापलम श्रीरामनगर डिस्ट्रिक्ट श्रीकाकुलम (आन्ध्र प्रदेश)									
	2 Dr. Dispensary & Staff quarters	Kondapalam Sreeramnagar Distt. Srika-kulam (A.P.)	100%	100%	—	2-3-68	—	100%	100%	100%	
21.	2 डाक्टरों वाला औषधालय तथा स्टाफ क्वार्टर्स तथा भुगतान कार्यालय	रामागुण्डम (आन्ध्र प्रदेश)									
	2 Dr. Dispensary & Staff quarters & pay Office	Ramagundam (A.P.)	100%	99%	100%	Oct., 67	—	100%	99%	100%	
22.	2 डाक्टरों वाला औषधालय तथा स्टाफ क्वार्टर्स	कोट्टारकरा (केरल)									
	2 Dr. Dispensary & Staff quarters	Kottarakara (Kerala)	100%	100%	—	2-7-65	—	100%	100%	—	

1	2	3	4	5	6	7	8	9	10	11	12
23.	2 डाक्टरों वाला औष- धालय तथा स्टाफ क्वा- टर्स	दीघा (डिस्ट्रिक्ट) पटना (बिहार)									
	2 Dr. Dispensary & Staff quarters	Digha Distt. Patna (Bihar)	90 %	90 %	100 %	June, 68	—	90 %	90 %	100 %	
24.	1 डाक्टर वाला औष- धालय	अम्बोना (डिस्ट्रिक्ट) धनबाद (बिहार)	औषधालय भवन की आवश्यकता नहीं है तथा उगकी बेचा जा जा रहा है।					1975-76 के दौरान बेचा जा रहा			
	1 Dr. Dispensary	Ambona Distt. Dhanbad (Bihar)	The dispensary building is not required and being disposed off				Dec., 67	—	Being disposed off during 1975-76		
25.	5 डाक्टरों वाला औष- धालय तथा स्टाफ क्वार्टर्स	मोनगिर (बिहार)									
	5 Dr. Dispensary & Staff quarters	Monghyr (Bihar)	80 %	80 %	100 %	Jan., 70	—	80 %	80 %	100 %	
26.	2 डाक्टरों वाला औष- धालय तथा स्टाफ क्वार्टर्स	चंडीगढ़									
	2 Dr. Dispensary & Staff quarters	Chandigarh	70 %	70 %	100 %	30-7-73	1975-76	70 %	70 %	100 %	
27.	3 डाक्टरों वाला औष- धालय तथा स्टाफ क्वार्टर्स	कपूरथला (पंजाब)									
	3 Dr. Dispensary & Staff quarters	Kapurthalla (Punjab)	70 %	70 %	100 %	June, 68	1975-76	70 %	80 %	100 %	
28.	5 डाक्टरों वाला औष- धालय तथा स्टाफ क्वार्टर्स	वाशिया, बड़ौदा (गुजरात)		वर्ष के अन्तर्गत पूरा होने की आशा है।		कार्य 1-12-72 से फिर शुरू हुआ।					
	5 Dr. Dispensary & Staff quarters	Warshia, Baroda (Gujarat)	64 %	Expected to be complet- ed during the year	N.A.	8-7-68 (work re- started from 1-12-72)	30-9-74	64 %	100 %	—	
29.	2 डाक्टरों वाला औष- धालय तथा स्टाफ क्वार्टर्स	फगवाड़ा (पंजाब)									
	2 Dr. Dispensary & Staff quarters	Phagwara (Punjab)	100 %	95 %	100 %	June, 68	15-11-74	100 %	95 %	100 %	

1	2	3	4	5	6	7.	8	9	10	11	12
29.	2 डाक्टरों वाला औषधालय तथा स्टाफ क्वार्टर्स।	फगवाड़ा (पंजाब)									
	2 Dr. Dispensary & Staff quarters	Phagwara (Punjab)	100%	95%	100%	June, 68	15-11-74	100%	95%	100%	*रेलवे से बिना यापत्ति का सर्वि-फिकेट न मिलने के कारण कार्य रुका हुआ है। *Work held up because of delay in issue of no objection certificate from Railway.
30.	2 डाक्टरों वाला औषधालय	मिलपारा, बंकाणेर (गुजरात)									
	2 Dr. Dispensary	Millpara, Wankaner (Gujarat)	12%	N.A.	N.A.	6-12-73	Dec., 74	N.A.	N.A.	N.A.	
	2 डाक्टरों वाला औषधालय तथा स्टाफ क्वार्टर्स	रतलाम (म.प्र.)									
31.	2 Dr. Dispensary & Staff quarters	Ratlam (M.P.)	70%	70%	100%	27-9-73	Dec., 74	70%	70%	100%	
	2 डाक्टरों वाला औषधालय	रुखाड़िया, हनुमान, भावनगर (गुजरात)									*कार्य अभी प्रारंभ हुआ था परन्तु उन्नति कुछ नहीं है क्योंकि जमीन गहराई में है, और मानसून का पानी 4' से 5' गहराई तक भर गया है।
32.	2 Dr. Dispensary	Rukhadia, Hanuman, Bhavnagar (Gujarat)	N.A.	N.A.	N.A.	18-4-74*	19-4-75	N.A.	N.A.	N.A.	*Work just started but progress is nil because of the fact that land being low lying, Monsoon water filled up to 4' to 5' depth.
	3 डाक्टरों वाला औषधालय	विठ्ठलवाड़ी, भावनगर (गुजरात)									
33.	3 Dr. Dispensary.	Vithalwadi, Bhavnagar (Gujarat)	N.A.	N.A.	N.A.	10-5-74	9-5-75	N.A.	N.A.	N.A.	
	4 डाक्टरों वाला औषधालय	मालिनीवाड़ी, सुरत (गुजरात)									
34.	4 Dr. Dispensary	Maliniwadi, Surat (Gujarat)	N.A.	N.A.	N.A.	12-9-73	N.A.	N.A.	N.A.	N.A.	
	3 डाक्टरों वाला औषधालय	मन्हार प्लाट राजकोट (गुजरात)									
35.	3 Dr. Dispensary	Manhar plot Rajkot (Gujarat)	N.A.	N.A.	N.A.	18-3-74	1-6-75	N.A.	N.A.	N.A.	

[सं० जी-20017/2/75-ए.व०आर्.०]

जे० सी० सक्सेना, अवर सचिव

J. C. SAXENA, Under Secy.